SENATE—*Friday, June 16, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in His law doth he meditate day and night. And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper. The ungodly are not so: but are like the chaff which the wind driveth away. Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous. For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish.—Psalm 1.

Gracious God our Heavenly Father, give us seeing eyes, hearing ears, understanding minds, receptive hearts and the will to take seriously the fundamental wisdom of the first Psalm, its promised blessing, its perilous warning.

In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

THE PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 16, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is now recognized.

THE JOURNAL

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. CRANSTON. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak for up to 5 minutes each. At 10:30 the Senate will resume debate on S. 5, the child care bill.

As the majority leader indicated on yesterday, there will be no rollcall votes today. Any votes ordered today and Monday will not occur prior to 5:30 p.m. on Monday, June 19.

THE CHILD CARE BILL

Mr. CRANSTON. I would like to say a word about the child care bill. I was one of the originators of this measure, an original cosponsor. It is a very fine, a very important step toward providing care for children who need it when their parents are not providing it for one reason or another. And it is designed to end the tragic choice that many parents face where they either have to be at work and leave their child unattended, or stay with their child and be on welfare. We obviously should end that tragic situation for parents and for children, and for society generally.

S. 5 is a measure designed to move us in the direction that our society needs to go. It is a family oriented bill, and I am proud to be one of its architects and one of its principal supporters.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. CRANSTON. I ask unanimous consent that the remainder of the time for the majority leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is now recognized.

Mr. DOLE. I yield all my leader time to the Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 9 minutes and 50 seconds.

THE CHILD CARE BILL

Mr. GRASSLEY. Mr. President, first of all, I thank the Republican leader for yielding his time to me. I also appreciate very much this opportunity to visit with you about the ABC bill, the child day-care bill. I rise in context of the debate on that bill.

The issue I am addressing has concerned me ever since I entered public service over 30 years ago. That is the tendency of the Federal Government to discriminate against religious persons when providing services that are available to everyone else.

In this particular case, it was the discrimination against religious providers of child care.

I recognize that a hopefully workable compromise is included in the new substitute amendment. But I am compelled to raise this matter again. It is important to air this topic because we should not have even considered legislation which would restrict religious freedom.

Unfortunately, it is all too common to sacrifice our constitutional right of religious liberty, in favor of efforts to expand, and unfortunately distort, the concept and effect of our constitutional protection of separation of church and state.

The concept of separation should be aimed at protecting, not threatening, religious liberty.

I am not an attorney, but I have long been a student of the Constitution as most of my colleagues probably have been. It has always been my belief that one of the great tenets on which this country was founded is that of religious liberty.

Yet, it seems that this Congress exerts much more of its legislative prowess to restrict religious practices with overreaching interpretations of separation of church and state.

Mr. President, I applaud the work of the majority leader, the chairman of the Labor and Human Resources Committee, and the chairman of the Children and Family Subcommittee.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Their cooperation in reaching a compromise will enable families to select day care providers which include religious activities without forfeiting their much-needed Federal assistance.

As good as this agreement is, we need to put this whole issue, including the compromise, in the proper context. Except for the work of the Senator from Kentucky [Mr. FORD] and the Senator from Minnesota [Mr. DURENBERGER] there would be no agreement. They are to be commended for an excellent job on this part of the legislation.

They persisted to find a solution to protect the rights of religious liberty, without compromising separation of church and state. Their leadership ensured that this bill does not discriminate against religious child care providers.

Otherwise, Mr. Chairman, we might have a bill like that of last year. As introduced, S. 1885 made a point to specifically exclude church-run day care centers from Federal programs.

The committee version worsened things by allowing churches to participate, but only by shrouding all religious symbols—a rather spectral sight for little children.

This year, S. 5, the "new and improved" ABC, acknowledged that religious organizations perform a valuable social service, but would have deprived them of their church functions. Such child care centers could receive Federal assistance, but only on the condition that they deny children and their families the opportunity to practice their faith while in day care.

Can you imagine, in church, before a meal, at a day-care center, that the children would not be able to thank God for that food? The "compromise" in this bill has seen a long and hard road. Lest I seem disparaging, I do appreciate the accommodation made for the constitutionally guaranteed right of religious freedom.

I deplore, however, the bloodletting, such as experienced by the Senators from Minnesota and Kentucky, that it has taken.

Why should Congress be so afraid of religion? Even people who do not make any pretense of being religious generally agree that it is good that other people are.

Even people who do not claim a religious faith often enroll their children in Sunday school or parochial school. Further, most non-church people agree with Proverbs 22:6—"Train a child in the way he should go, and when he is old, he will not turn from it."

Why? Because religion teaches good values and morals! Because people active in church and synagogues generally make good citizens! Because people feel they can trust churches.

What right do we have to dictate how a family chooses to instill religious values and morals in their young children?

A good share of parents have faith in the values of religious organizations which provide child care. We have no right to deny that freedom of choice.

A 19th century author and poet once said that, "Now-a-days, we know the price of everything and the value of nothing."

He must have had Congress in mind when he wrote that. We have revenue estimates and cost projections for every thing we legislate. But we seldom take the time to look at what a program is really worth—and what its value is to our constituents. I was always taught that value increases with personal and community investment.

There is a big difference between investment and interference.

It is so tempting for the long arm of the Federal Government to reach its greedy fingers into the personal decisions of families.

It is too easy for politicians and bureaucrats to impose what they believe to be omniscient knowledge, based on the wealth of information from the bowels of the Federal Government, on trusting and unknowing constituents.

Mr. President, as a Federal legislature, we should proceed very carefully into family policy. We should look for solutions to family needs and concerns in existing community institutions. Churches and synagogues are the very pillars of community institutions.

Families need support from community institutions in order to handle our complicated society, especially when many families live hundreds of miles away from their extended families.

The Federal Government should encourage, not stifle, that support structure. Religious and charitable organizations are exactly what Congress should look toward to solve our societal and family problems.

But most important, we must seek creative means for families to help themselves. No one should think that by restricting religious liberty that families are best helped.

I am frustrated with the Federal Government, specifically the Congress, for putting so much emphasis on the separation clause of the first amendment, that, in effect, we impinge on the free exercise clause of the first amendment.

In closing, one of my favorite books, which was written way back in 1954, regarding the Constitution, is entitled, "The Forgotten Ninth Amendment." I think a book could also be written about "The Forgotten Free Exercise of Religion Clause in the First Amendment."

Though this may be a cliche: The Constitution guarantees the freedom of religion, not the freedom from religion. I hope that adopting the Ford/Durenberger amendment is an indication that this body will give equal time to both protections provided in that very important first amendment.

The ACTING PRESIDENT pro tempore. The leaders' time has expired.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for a period of time not to exceed 5 minutes.

The Senator from Iowa.

Mr. GRASSLEY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON pertaining to the submission of Senate Concurrent Resolution 47 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold?

Mr. SIMON. Yes, I will.

NUKE DUMP A SHAM

Mr. REID. Mr. President, the nuclear waste dump planned for Nevada has always been a sham, foisted on the people of Nevada by outsiders who bent the rules and ignored the experts to get their own way at our expense. Every independent study has proven that the nuke dump is a sham. The people of Nevada know the dangers of radiation poisoning firsthand because of our experience with the Nevada Testing Site. In the last week we have seen additional proof that the very idea of a nuclear waste dump in Nevada is absurd and reprehensible.

I am referring to the Rocky Flats nuclear weapons plant in Colorado, where FBI agents spotted illegal burning of toxic solids and illegal dumping of tainted chemicals into streams that run through the plant grounds. If they cannot stop criminal dumping and dangerous negligence at a weapons plant that is just a few years old, what makes the Department of Energy think it is going to do a better job with 70,000 tons of high-level radioactive poison, buried under Yucca

Mountain, in the fastest growing State in the country, in a nuke dump that is supposed to last for 10,000 years?

They were wrong before and they are wrong now. I stand today in the Senate with the firm commitment, Mr. President, that the people of Nevada and their elected representatives in Washington will do everything we can to prevent Nevada from becoming the garbage dump for the rest of the country.

I ask unanimous consent to have printed in the RECORD the following editorial, "After Rocky Flats, Can We Trust DOE?" which appeared in the Las Vegas Review-Journal on Tuesday, June 13, 1989. It is just one example of the rage and skepticism felt by the people of Nevada.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Las Vegas Review-Journal, June 13, 1989]

AFTER ROCKY FLATS, CAN WE TRUST DOE?

The news concerning the Rocky Flats nuclear weapons plant in Colorado last week reflected poorly—to say the least—on the Department of Energy's already shaky credibility.

It must have been quite a spectacle to see 75 federal agents swarming through the sprawling plant, 16 miles northwest of Denver. The FBI aptly dubbed the Rock Flats raid Operation Desert Glow. The operation was designed to secure further evidence that the plant has been grossly mismanaged over the years, and that the DOE has consciously participated in a coverup.

Following the raid, the FBI released a slew of documents that catalogs a pattern of illegal dumping, burning and polluting at Rocky Flats, the nation's sole manufacturer of plutonium triggers used in nuclear warheads.

The FBI documents allege that the plant illegally burned hazardous waste, illegally disposed of up to 40 different hazardous chemicals on the 6,550-acre grounds and dumped 13 different toxic chemicals into two creeks that flow directly into the drinking water supplies of several Denver suburbs.

All this was occurring at a time when the DOE awarded Rockwell International (main contractor for the weapons plant) $8.6 million as a bonus for "excellent" management of Rocky Flats.

Perhaps the most damaging document released by the FBI was a 1986 memo—written by a DOE employee—acknowledging that some of the waste facilities at the site "are patently illegal" and stating that "we have serious contamination." The memo also noted that the public had no idea "just how really bad the site is."

What's even more galling is that the FBI documents also outline a pattern of coverup by the DOE which apparently sought to hide gross mismanagement at the plant.

In light of the events at Rocky Flats, is it any wonder Nevadans are wary of DOE's plans to bury 70,000 metric tons of high-level nuclear waste at Yucca Mountain? DOE has created for itself a major credibility problem, and Nevadans will need some big-time convincing before they come to believe the Yucca Mountain repository can be operated safely.

TRIBUTE TO THE LATE JESSE W. SWEETSER

Mr. NUNN. Mr. President, I want to take a few minutes to pay tribute to Jesse W. Sweetser, who died recently at his home in Washington, DC. He was 87 years old and had been suffering from cancer.

Jess Sweetser, a native of St. Louis, MO, and a graduate of Exeter Academy and Yale University, had a long and distinguished business career. Jess began as a stockbroker in New York City in the mid-1920's and continued in this field until he joined Curtiss-Wright Aircraft Co. as a salesman. Following World War II, he moved to Baltimore and continued his career in the aircraft industry with the Glenn L. Martin Aircraft Co. Jess was soon promoted to the vice president of sales, and retained this position following the merger of Martin Aircraft Co. and the American Marietta Co. He retired in 1967, and, after that, worked as a consultant in the Washington area.

From those who knew him in these fields, Jess was remembered as an astute, knowledgeable businessman who possessed an eye for the future. With each task he undertook, regardless of its scope or difficulty, Jess sought to broaden his own vision. He was adept at bringing his collective experience to bear on problems to reach the most effective solutions.

While most of us strive to lead such a distinguished career, this was only part of Jess' contributions to our country. Fitting of the ideals Plato held in the Republic, Jess Sweetser developed and honed not only his mental abilities, but his physical talents as well. This aspect is where he is most widely remembered.

Jess Sweetser was an accomplished baseball player, track athlete, and amateur golfer. Jess always claimed that his true sports love was baseball, but it was in amateur golf that he left an indelible mark. Although all the accomplishments of his career would be too numerous to list, I would like to provide some of them for the record.

In 1920, and only 2 or 3 years after he began playing golf, Jess won the National Collegiate Athletic Association championship. Two years later he defeated Charles Evans, Jr., 3 and 2 to capture the U.S. Amateur Championship. In 1926, Jesse Sweetser became the first native-born American to win the British Amateur by beating A.F. Simpson by the score of 6 and 5.

Jess Sweetser was a member of the first U.S. Walker Cup team in 1922, and again represented our Nation in this competition in 1923, 1924, 1926, 1928, and 1932. Jess also captained the Walker Cup team in 1967 and 1973. These years were notable in the fact that each of these U.S. teams came away victorious.

I would like to add a few personal remarks about the friendship I enjoyed with Jess Sweetser. Each time I joined Jess for a game of golf and strolled down a fairway with him I sensed that I was witnessing a part of history. He competed against and won against Bobby Jones, yet adapted easily to the modern era ushered in by Arnold Palmer and Jack Nicklaus. He had an uncanny ability to recall shots he had hit a half-century earlier, to remember the layout of holes he had not seen in 40 years, and to simplify golf to its most basic terms.

In golf, you often encounter players who have the ability to focus singly on the task at hand. Jess Sweetser was a man with a strong competitive drive, as evidenced by his record of successes, but he was also a consummate gentleman. He would share his vast experience with the game as easily as one greets an old friend. I recall more than one occasion when Jess would pass by me on the driving range as I practiced. Jess gently would tell me that I was making the game too difficult. He stated that golf was no harder than taking the club back with your left hand, and then hitting the ball with your right hand.

Perhaps golf is no more complicated than that. Or perhaps it is life that is not so complicated when it is enjoyed by a man of such grace and talent as Jess Sweetser. With Jess, life and golf were inseparable. Though his friends and family will miss Jess, we will never forget the contribution he made to the game he loved so much, and the love of life he brought to all those who had the pleasure of knowing him.

MOYNIHAN RESOLUTION ON JACKSON-VANIK—SENATE CONCURRENT RESOLUTION 45

Mr. DOLE. Mr. President, yesterday the distinguished Senator from New York [Mr. MOYNIHAN] submitted a concurrent resolution dealing with the so-called Jackson-Vanik amendment—legislation which seeks to use the leverage of trade benefits to encourage improved human rights performance in the Soviet Union.

I want to commend Senator MOYNIHAN for this initiative. It reflects the growing recognition that the reforms we are seeing in the Soviet Union are real and significant; and the growing conviction that it is in our interest to encourage a continuation and acceleration of those reforms.

Senator MOYNIHAN's office and mine sought to work out some differences on language in his resolution, prior to its submission, but we were not able to accomplish that. As a result, I am not in a position yet to put my name on as a cosponsor. But I do agree with the basic proposition of the concurrent resolution: that the Congress ought to

respond favorably to a request from the President to extend MFN to the Soviet Union, when the President is satisfied that the immigration reforms in the Soviet Union are not going to be set aside, and will be faithfully implemented.

Hopefully, as the committee considers this resolution and we move to later floor action, some language adjustments can be made to bring on board many additional cosponsors, including this Senator. In the meantime, I again want to commend the Senator from New York for his initiative, and to indicate my support for the principle embodied in this resolution, and the policy articulated by the President.

LIVING IN EXTRAORDINARY TIMES

Mr. COHEN. Mr. President, we are living in an extraordinary period of time. It is extraordinary not only because of the enormity of the events that we are witnessing in the world but in the rather feeble reaction to those events.

I recall several weeks ago, for example, we saw the elections take place in Panama and Mr. Noriega send out his so-called dignity battalions. There is an irony involved in the use of the word "dignity" for those goon squads that were sent out to beat, pummel, and brutalize the opposition that was seeking to restore a sense of democracy to that country. He declared the elections to be null and void, and said he had to do so because there was massive fraud committed by people who were seeking a democratic opportunity for their country.

I noted last week that the Tass news agency almost immediately praised Noriega's actions. Tass said they were necessary because of the fraud being perpetrated by the people who were in the streets, and, therefore, the election should remain null and void.

This is not the new thinking that Mr. Gorbachev is promoting, but, rather, the old thinking that we have seen for so many years. I was in China back in 1979. I traveled to China with Senator GLENN, of Ohio, Senator HART, of Colorado, and Senator NUNN, of Georgia. That was the first trip that was made after the recognition of China, and I had an opportunity to meet with Vice Premier Deng Xiaoping. I also traveled to China several years later with Senator WILSON, and he has his own experiences to relate about his trip to China. I recall asking Deng Xiaoping how long he would tolerate this new breeze of democracy that was starting to blow through the city of Beijing, how long he would tolerate that wall of democracy staying up where people were writing the news and reading the news that was open, and not controlled by the official press. And he said that this breeze of democracy would flow through the city of Beijing forever and ever. Those were his words.

Well, today's news tells a very different story. Today's accounts that appear in the Washington Post and New York Times, the morning telecasts, say that no students shed any blood. No bullets were ever fired. The only people who died in the recent demonstrations were the valiant soldiers who fought against those counterrevolutionaries. But the fact is, the world witnessed students being shot. I can tell you that they were not only shot, but the 27th Army went through and bayoneted hundreds, if not thousands, of students. They were run over by tanks, and now they are being hunted down and arrested and beaten into signing confessions and then executed.

In this country we have had reports that Chinese officials have been videotaping students who have been out demonstrating on behalf of their fellow students back in China, and they are threatened with retaliation against them and their families, who remain in China.

I was one of the architects of the Speedy Trial Act of 1978 in which we mandated that a person who was indicted ought to be brought to trial within a period of 90 days. Well, in China you get a very speedy trial. In less than 90 minutes you can be charged, tried, sentenced, and executed. The Chinese Government has said that these freedom demonstrations never occurred; it was a figment of the outer world's imagination. Can you not see? There were no riots, no burned-out tanks, no students in the streets. Everything is quite back to normal.

Some of our allies who spoke of these murderous actions of the Chinese Army spoke with a weak voice—they are back to business as usual. According to the Washington Post, Japan, ever eager to seek profits, decided that profits are more important than principle. It is an internal affair, according to the reports, as far as the Japanese attitude is concerned.

Mr. President, the United States should not permit our principles to be swept into the Tiananmen Square ash heap. We cannot allow the image of those brave people, who died for freedom, to be airbrushed away. Now, it may be an internal affair for China, but it is of international concern and, I would hope, international consequence. For years, the Soviet Union said that its brutal treatment of its own citizens was no one else's business. We rejected that, and we denied them trade benefits under the Jackson-Vanik amendment, until they changed. Now they are changing and we are considering lifting that trade restriction.

Mr. Gorbachev has tried to move the Soviet Union into the 21st century, to introduce glasnost, and hopefully a more humane way of dealing with people who disagree with the Communist Party line. We wish him well. But there are several notes of irony I feel compelled to point out today. The students who hailed Mikhail Gorbachev several weeks ago when he was in Beijing as the champion of democracy would have to take note that he left Beijing claiming the students were simply a group of hotheads. He has been noticeably mute on the events in China, and I suggest that his words rival the ambiguity of the Delphic Oracle. He said that he regretted some aspects of what took place in China. What aspects? The fact that the students were in the streets or the fact that the soldiers were running them over? Where is the clarification of which aspects he regrets? It seems to me astonishing, absolutely astonishing to witness the wisdom that is being imparted to his words today.

President Bush went to West Germany 2 weeks ago. He said the Berlin Wall must come down. He was clear; he was unambiguous. He said that wall stands as a scar against the conscience of humanity. Take it down. Mr. Gorbachev was reported in today's paper, saying that nothing is eternal in this world; the wall can disappear once the conditions that created the need for it disappear. What is he saying? What is Gorbachev saying? Did he mean that once the people of the eastern bloc stopped yearning for freedom, they would no longer have to stay in jail? Is that what he means by "once the conditions disappear, the wall will disappear"?

He said there was no evil intention on the part of those who erected the wall. Apparently, no evil interest by those people who shot down and murdered over 200 people trying to flee the brutality of the East for the dream of the West. According to the Washington Post today, Hans Klein praised Mr. Gorbachev's statement as immensely positive.

I must tell you, this sent me running to my library. Lawrence Durrell, a famous poet-author once wrote that everything here is believable, because nothing here is real. This was contained in a work of fiction. We find the converse true. Everything here is real, and to me, it is absolutely unbelievable.

I thought of that wonderful little story called "Being There." some of you may recall that Peter Sellers played the part in the movie. It was a short novel written by Jerzy Kosinski. The reaction to Mr. Gorbachev's statement brought it clearly into focus. Chance Gardiner had a meeting with the President of the United States and the President said to Mr. Gardiner,

who was not really a rocket scientist, to say the least, "Mr. Gardiner, what do you think about the bad season on The Street?" He was meaning Wall Street. Finally, Chance Gardiner said, "In a garden, growth has its season. There are spring and summer, but there are also fall and winter. And then spring and summer again. As long as the roots are not severed, all is well and all will be well." To which the President responded: "I must admit that what you have just said is one of the most refreshing and optimistic statements I have heard in a very, very long time." He said, "We welcome the inevitable seasons of nature, yet we are upset by the seasons of our economy! How foolish of us!" He smiled at Chance and said, "I envy Mr. Gardiner his good solid sense. This is just what we lack on Capitol Hill."

I could not help but think of that particular scene, as we witnessed the reaction of a West German spokesman saying, the wall will come down when the conditions for the need for the wall disappear. What a marvelous reaction we had from the West German spokesman. George Orwell warned us over 40 years ago about the very thing that is taking place today.

He talked about Newspeak and doublethink, where the Government starts controlling words and, of course, the distortion of language is always the precursor to a debasement of values. We found a situation in which the Government could declare black is white and white is black—not only declare it, but make you believe it. And that all one had to do to deal with history is simply to rewrite it on a constant basis.

History is being continuously rewritten day to day, falsification of the past carried out by the ministry of truth, and it is as necessary as the stability of the regime itself. If it is necessary to rearrange one's memories or tamper with the written records, then it is necessary to forget that one has done so. I will quote from this one section: "Even the names of the four ministries by which we are governed exhibit a sort of impudence in their deliberate reversal of the facts. The Ministry of Peace concerns itself with war, the Ministry of Truth with lies, the Ministry of Love with torture, the Ministry of Plenty with starvation. These contradictions are not accidental, nor do they result from the ordinary hypocrisy: They are deliberate exercises in doublethink. For it is only by the reconciling of contradictions that power can be retained indefinitely."

Mr. President, some lies are so gracefully told, so artfully constructed, that the lies take on the perfume of truth. This is not the case in Panama, and it surely is not the case in China. Let the Chinese Government say that it has had little experience in dealing with democracy or dissent.

Let the Chinese Government say that the United States, the champion of democracy, has not had an unblemished record in dealing with dissidents or human rights. Let the Chinese Government say that it overreacted and it failed to stop or restrain the brutality of its own army, and let them call off the manhunts, the persecutions, and the purges, and instead let them provide amnesty for those students who were demonstrating for nothing more than the right to be free. Then the West can perhaps try to reengage and help China make its way into the modern world.

Mr. President, let me say that the Chinese Government cannot ask us, the United States, the free world, to swallow the Chinese Government's pride and its lies and declare that 2 plus 2 equals 5. The lies that are being told today do not have the perfume of truth. They have the stench of lies.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized under the previous order.

Mr. WILSON. Mr. President, let me begin by thanking the senior Senator from Maine for the eloquence that we have become accustomed to expect from him, but I think that the poignancy of the situation that he has described is one that is truly difficult to comprehend.

Those of us who watched on television with great hope and optimism what seemed to be the first real breaths of freedom and democracy in the People's Republic were deluded for that brief period as were many others, including those who had the courage to utter those protests. I think the senior Senator from Maine has put in perspective the fact that wishing will not make it so, that those who have had that courage are now suffering a terrible retribution from a society whose governors have decided that however much they might desire Western economic modernization they are not willing to pay the price of the accompanying political democracy that necessarily makes both function for the benefit of people in the West. It is clear they have chosen repression and control at the expense of their people and at the expense of it would seem any near-term hope for democracy.

HAPPY BIRTHDAY TO ASPEN MUSIC FESTIVAL

Mr. WIRTH. Mr. President, I am pleased to note that 1989 marks the 40th anniversary of the Aspen Music Festival.

Aspen, CO, is well known as one of the most beautiful resort communities, with some of the best skiing in the world. Nestled in the high Colorado Rockies, beneath clear skies and against the magnificient backdrop of the Maroon Bells Wilderness, Aspen is a place of breathtaking beauty. This atmosphere makes Aspen a haven for the spirit and the body.

For the last 40 years, the Aspen Music Festival has augumented the lives of so many in Aspen and in Colorado. The festival is an internationally recognized cultural event, bringing nearly 100,000 visitors to Aspen each year. It is a world class event, and I hope my colleagues and all those who love fine music, will have the opportunity to attend.

The Aspen Music School has been an integral part of the festival's success. From modest beginnings in 1952, the Aspen Music School has grown from a 200-student Institute of Music housed in temporary quarters to a prestigous campus with an expected enrollment this year of nearly 1,000 students. The school has attracted an outstanding faculty and an international alumni including such names as William Bolcom, James Conlon, Dennis Russell Davies, David Del Tredici, Barbara Hendricks, James Levine, Jorge Mester, John Nelson, Nadja Salerno-Sonnenberg, Leonard Slatkin, Morton Subotnik, Joan Tower, and other members of leading orchestras the world over.

Under the leadership of Gordon Hardy since 1962, the Aspen Music School has been dedicated to the advancement and education of young musical talent. The Aspen Music Festival has served to showcase this extraordinary talent. The festival also provides a forum for adventurous programming and creative trailblazing in music.

I can think of no more eloquent testimonial to the festival than that which came from one Aspen Music School graduate, who said:

> There is no place like Aspen. It is a testing ground for us, one where we can experience a total immersion in music. We come for that, and to play, not only under, but with some of the finest professional artists anywhere.

Like many Colorado communities, Aspen was nearly busted during the great silver slump at the close of the 19th century. Aspen survived tis economic crash, and its special beauty, combined with the frontier spirit of its people, have produced a recreational and cultural renaissance we recognize by celebrating the 40th birthday of the Aspen Music Festival.

This festival has achieved much, and continues to aspire to greatness. I know all Coloradans, and the members of the Senate, will want to join me in wishing the Aspen Music Festival a very happy 40th birthday.

THE 1,553D DAY OF TERRY ANDERSON'S CAPTIVITY

Mr. MOYNIHAN. Mr. President, it is now 1,553 days that Terry Anderson has been held in captivity in Beirut.

A report that appeared in Time on February 2, 1987, describes a rash of hostage-taking—termed a "wave of terror" by the author—which occurred during this time. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time Magazine, Feb. 2, 1987]

TERRORISM: A FRENZY OF HOSTAGE TAKING

(By Michael S. Serrill)

For the small knot of foreigners still crazy or desperate enough to brave the mean streets of Beirut, it was one of the worst weeks in memory. In the short span of eight days, eight new hostages were swept up in a frightening new paroxysm of terrorist kidnapings. Almost any foreigner was fair game, and the reign of terror struck almost anywhere in the tortured city, from the backseat of a taxicab to a sun-drenched sidewalk, from a quite hotel room to a seat of higher learning.

The first victim was Rudolf Cordes, a West German businessman, who was pulled out of his cab in the West Beirut slum of Ouzai by two carloads of pistol-wielding terrorists. Three days later, Alfred Schmidt, an engineer for Siemens, the giant West German electronics firm, was rousted from bed in his hotel room at gunpoint. He was led away wearing only his pajamas and a leather jacket. On Friday, two more men were kidnaped in downtown West Beirut. Police later said they were Lebanese Armenians, not West Germans as claimed earlier by the kidnapers. Finally, on Saturday night, a well-organized band of machine-gun-toting thugs pulled off the week's most daring escapade. Disguised as Lebanese police, they drove unchallenged onto the campus of Beirut University College, gathered four professors, three of them Americans and the other an Indian-born man carrying a U.S. passport, and drove off, holding guns to the heads of their stunned prey.

The abductions brought to eight the number of Americans known to be held in Lebanon. Ironically, the episode that sparked the new wave of terror appeared to be the Jan. 13 arrest in Frankfurt, West Germany, of a Lebanese suspect in the 1985 hijacking of a TWA jetliner and the subsequent murder of a U.S. Navy diver. The kidnapings also coincided with the latest mission to Beirut by Anglican Emissary Terry Waite, his first since it was revealed last November that the U.S. had sold weapons to Iran in exchange for hostages held by pro-Iranian groups in Lebanon.

Waite vanished on Tuesday into secret enclaves controlled by the Shi'ite terrorist group known as Islamic Jihad, or Holy War. Islamic Jihad is thought to be holding U.S. Hostages Thomas Sutherland, acting dean of agriculture at American University, and Terry Anderson, chief Middle East correspondent for the Associated Press. But when Waite, the towering (6 ft. 7 in.) envoy of Archbishop of Canterbury Robert Runcie, failed to reemerge by early this week after five days of talks, fears grew that he might have become a kidnap victim himself.

Saturday's mass abduction began to unfold when three men wearing olive-drab uniforms and the trademarks red berets of the Lebanese special police entered the college campus at about 7 p.m. in what appeared to be a police patrol jeep. They had campus security guards round up a dozen of the school's teaching staff, saying they wanted to discuss new security arrangements. When the group had assembled, police said later, the terrorists picked out the four professors, "drew their guns and took them all away."

"I thought they were regular policemen," reported a Lebanese campus guard. "They wore the red berets of the Squad 16 riot police, which made me unsuspicious. I was astonished to see them about 10 minutes later racing out in a jeep with the professors. They were pointing guns to the professors' heads. One of them yelled at me, 'If you talk we shall finish you!' "

Police and university officials identified the Americans as Alann Steen, a journalism professor; Jesse Turner, a computer-science instructor; and Robert Polhill, assistant professor of business. The fourth victim was Mithileshwar Singh, chairman of the business department.

In Washington, the National Security Council informed Ronald Reagan of the kidnapings at the President's Camp David retreat. "The President is concerned," said a White House spokesman. "We hold those individuals who took the hostages responsible for the safety of the hostages, and call for their immediate release." State Department officials, meanwhile, re-emphasized that all of Lebanon is dangerous for U.S. citizens. Washington, they said, cannot guarantee the safety of those few Americans who continue to live there.

Even before last week's grim harvest of hostages, the roster of those already held captive in Lebanon consisted of five Americans, five Frenchmen, two Britons, an Italian, an Irishman, a South Korean and a Saudi Arabian. Last week Vice President Geroge Bush confirmed that another American hostage, CIA Beirut Station Chief William Buckley was killed last year by his captors. Anderson and Sutherland were abducted in the spring of 1985 by Shi'ite radicals. Their captors' principal demand: the release of 17 presumed Shi'ites who are serving prison sentences for, among other things, terrorist attacks on the U.S. and French embassies in Kuwait. Three other Americans, Joseph Cicippio, Frank Reed and Edward Tracy, are said to be held by groups called the Revolutionary Justice Organization and Arab Revolutionary Cells-Omar Moukhtar Forces.

The outrages in Beirut followed what seemed a rare break in the long and painful campaign against international terrorism. That was the chance arrest in West Germany of Mohammed Ali Hamadei, 22, one of four alleged ringleaders in the TWA hijacking and suspects in the killing of Navy Diver Robert Stethem. Hamadei is thought to be one of the two gunmen who were actually aboard TWA Flight 847 when it was commandeered and who savagely beat and then shot the American sailor. Hamadei was detained at Frankfurt's international airport after officials discovered he was carrying a false passport and bottles with liquid explosives.

West German elation at Hamadei's arrest quickly dissolved when Cordes, then Schmidt, was kidnaped. It was immediately assumed that the abductors planned to use the West German hostages as bargaining chips for Hamadei's release. The hostage takings were a rude awakening for West Germans. For years Bonn has cultivated good relations throughout the Muslim world. Partly as a result, the three-year spree of kidnapings in Lebanon, until now aimed mostly at the U.S. and France, has had little impact on Germans living in Beirut, who continued to operate more or less normally.

The West Germans' captors lost no time making their demands known. Within 24 hours of Cordes' disappearance, officials in Bonn received word that his kidnapers were indeed demanding a hostage-for-prisoner swap. Suspicion immediately centered on the radical Shi'ite organization Hizballah (Party of God), to which Hamadei is thought to be linked. A West German radio station, quoting an unnamed Christian source in Beirut, said the abductions were planned by Hamadei's brother Abdul, who is thought be a Hizballah security officer.

Bonn was also under pressure from the Reagan Administration to extradite Hamadei to the U.S., where he faces a dozen separate charges related to the 1985 hijacking. Early in the week, the Justice Department reluctantly agreed to promise that it would forgo the death penalty for Hamadei, bowing to a provision in the U.S.-West German extradition treaty that prevents Bonn from turning over prisoners who face capital punishment. After first indicating that extradition would be arranged quickly, Bonn officials grew concerned that any such course would doom one or both of the new hostages. Turning Hamadei over to the U.S., they suggested, would take at least several weeks and might not be possible at all. Said one government official: "Nothing will happen suddenly."

For Chancellor Helmut Kohl, the hostage crisis could hardly have come at a worse time. In the closing days of a reelection drive that he was expected to win handily, Kohl was forced to spend much of his time directing the behind-the-scenes effort to free the hostages. Bonn's strategy: to negotiate the release of the German hostages with the help of Middle East governments linked to Hizballah, including Iran and Syria. The Chancellor carefully consulted leaders of the opposition Social Democratic Party, the major challenger to his center-right coalition. SDP Candidate Johannes Rau declared that the hostage crisis would not become a last-minute election issue.

Even as the crisis escalated, Anglican Emissary Waite decided to prolong his latest mission to the Lebanese capital. Just before his scheduled departure from Beirut early in the week, Waite announced that he had re-established contact with the Islamic Jihad and promptly drove off into West Beirut with his usual bodyguard of Druze militiamen. As time passed and Waite did not reappear, both Anglican officials in England and Waite's Druze protectors repeatedly assured the press that he was in no danger. Said a Druze spokesman late Friday: "He is fine, and he is still negotiating with the hostage holders."

The mission was Waite's fifth attempt to free hostages held in Lebanon. When the U.S.-Iran arms-for-hostages deals surfaced, there was immediate speculation that the secret American weapons shipments to Iran—and not Waite's negotiating skills—might have been responsible for the release of three U.S. hostages; originally the Anglican official had been credited with securing their freedom. Last week Waite insisted that despite Iranscam, "my credibility has

not been affected as a negotiator." Perhaps not. But as the list of hostages continued to lengthen, even in the face of delicate negotiations and secret deals, more than a few government leaders had to be wondering exactly what could be done to end the terror.

PUBLIC SERVICE OF WILLIAM H. TAFT IV

Mr. NUNN. Mr. President, I would like to take a few minutes today to recognize the public service of William H. Taft IV, who has recently left his position as Deputy Secretary of Defense. At a moment when he is about to assume another important position in the Federal Government, I think it is appropriate to commend Will for his many contributions to our national security.

After having already served in several Federal agencies, Will Taft joined the Department of Defense in 1981 as its general counsel. Then, 3 years later, he was appointed to the key position of Deputy Secretary of Defense. Now, President Bush has nominated Will to be the U.S. Ambassador to NATO.

During his 8 years of service in the Pentagon, Will has served two Presidents and three Secretaries of Defense. He has loyally and energetically carried out his many demanding responsibilities. As Deputy Secretary of Defense, in particular, he assisted the Secretary in managing the largest and most complex organization in the free world.

I have had the opportunity to work closely with Will on several defense issues of mutual interest. For example, in his position as Chairman of the Defense Resources Board, which is the senior budget policymaking committee in the Defense Department, Will took the lead in implementing the concept of biennial budgeting for the Department of Defense. I know he shares my hope that, over time, 2-year budgeting will enhance the stability and cohesion of defense planning. This was a major shift in the Pentagon that required Will Taft's determined leadership.

Another major interest that Will and I have shared are the security relationships between the United States and its allies in NATO and the Pacific. Will has worked extremely hard to strengthen those alliances, and he can take pride in the progress that has been achieved. One particular improvement on which we have cooperated is the growth of armaments collaboration. Will took the lead within the Pentagon in encouraging the military services to join allied services in developing and producing common military equipment. That effort has been difficult but essential if we hope to mitigate the effects of structural disarmament. I commend Will for pursuing armaments cooperation with vision and tenacity.

I am looking forward to continuing to work with Will on this and other issues of importance to the NATO alliance. As the new U.S. Ambassador to NATO, he will, in effect, be the point man in representing the United States within its most important security alliance. He will assume this position at a particularly challenging time in the history of NATO, but I am confident that he will display the same expertise and dedication that characterized his service in the Department of Defense.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time for morning business is ended. Morning business is now closed.

Mr. SIMON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILD CARE IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 5, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 5) to provide a Federal program for the improvement of child care and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Mitchell Amendment No. 196, in the nature of a substitute.

Mr. DODD. Mr. President, I invite colleagues today who would care to speak on the legislation before us to come to the floor. We are anxious to hear what some of our colleagues may have to say about the bill.

The majority leader has announced that there would be no votes today, but certainly if there are amendments that Members have, I would ask them to submit them. We could look at them and there may be some, in fact many, that could be agreed to without having to go to a vote.

So the fact there will be no votes does not mean that we would not consider amendments to the legislation. And if they are noncontroversial amendments or ones that can be accepted by both the minority as well as the majority, we could possibly move this bill along. So even though there are no votes planned, that does not mean we cannot consider proposals affecting the legislation before us.

I would just like to make a couple of observations if I could. I listened yesterday with great interest to the comments of a number of our colleagues and particularly those who have raised questions regarding the intentions behind the legislation before us, suggesting somehow that what is before us is really not the intent of the sponsors.

The legislative process, as every Member of this body knows, is an evolving one and until you finish a conference report, legislation is always subject to change and modification, based on new information and new ideas that come forward in the process of debate, the tension that a forum like this creates. So to imply or suggest somehow that because the legislation is now different than what it was when first introduced, that somehow that is a subterfuge is, I think, really an unfair characterization.

Even a freshman student of the political process knows that the legislative product that we produce is a process of give and take, of discussion and debate. So the bill that we have before us is exactly a reflection of that.

We have debated this issue for 2 years. I have listened with great interest to a number of people who took very strong positions in opposition to the original bill as it was proposed, including my chief cosponsor, the distinguished Senator from Utah. and it was as a result of his ideas, hearings that we held, listening to people from across the country who are involved in early childhood development, that we changed the legislation even before it came to the committee this year. And I commend him for that.

Many others have raised ideas and suggestions which are now incorporated as part of that legislation, including the Senator from Kentucky, Senator FORD, who raised concerns about whether or not certificate holders would be able to send their children to religious-based child care programs. That proposal by the distinguished Senator from Kentucky is now a part of the pending matter. It is part of the bill before this body. It is not a question of a future amendment being offered. That is part of the Act for Better Child Care.

Now there may be some who want to change that but, nonetheless, to suggest somehow that that is not a part of the bill is just an inaccurate characterization.

So, as we debate the legislation, I would urge those who have possibly a Pavlovian, almost, objection to the legislation that they read the product that is now before the Senate and not refer back to some data they may have had a year or two or even 6 months ago.

The legislation has changed. If we are going to debate this legislation, it

is important that those who want to express opposition to it do so with the full knowledge of what is in the bill today, what is pending before this body. And that is important as we move forward.

I hope that we could move on this legislation early next week. As I said earlier, I am prepared to entertain amendments, even accept some. I know of a couple that, I think, it is likely that will be offered that I think we can accept without votes. So we could actually move the legislative product along without having to engage in votes either today or Monday which, of course, under the agreement reached between the majority leader and minority leader would not be the case anyway until after 5:30 p.m. on Monday.

So, Mr. President, I look forward today to our colleagues coming to the floor and raising questions. I invite questions about the Act for Better Child Care. That is the way the legislative process works. If there are Members who have concerns about various aspects of the bill as it is before us today, then I wish they would come over and raise those questions. If they have questions about what was in the bill 6 months ago or a year ago, that may be interesting, but it is not going to be terribly enlightening in terms of the legislative product.

So, Mr. President, I look foward to the debate today, I look foward to the debate on Monday, and hopefully completing action on this legislation sometime early next week, wherein this body, this Congress, will go on record for the first time in 46 years as supporting a national child care program.

Let me correct that statement. I should say 21 years ago this body actually did support a national child care program. It was vetoed by President Nixon. But prior to that time, in 1943, this Congress, this body, supported a national child care program that was signed into law during World War II. That is the last time that we had a national child care program. When women were working in war production, men were fighting in the Pacific and in European theaters, and this Senate on a voice vote, in the middle of World War II, appropriated $20 million so that women could have decent, quality, affordable child care as they worked and their husbands fought to defend the interests of this country.

Thank God today we are not in a conflict, we are not in a war, at least the kind we were in 40 years ago. But there is no doubt that we are in the same situation, wherein women are working today out of necessity. Certainly the reasons for child care today are no less significant than they were in 1943.

My hope would be that this body would act in the same fashion that its predecessor did 46 years ago on a voice vote. It was not even a recorded vote, there was that much unanimity. In fact, the legislation was offered by the distinguished Senator from Utah for a national child care program and supported by Republicans and Democrats right across this Chamber.

So again I hope that we might tear a page, if you will, out of history, and look back at what a Congress did 46 years ago when it appropriated $20 million in the middle of World War II. One might have argued we could not afford that kind of money because the high priority had to be the war effort, and yet this Congress understood that the war effort, as important as it was, that children were also important and families were important.

Today I would like to suggest that that is the case as well; that families and children are important. What we propose is an effort to try and make it possible for families to be able to stay together, to be able to meet their economic needs, to be productive and to work and, simultaneously, to be able, at least to a minimal extent, to guarantee a quality environment for the children who are not able to speak for themselves, infants and others.

Mr. President, I look foward to the debate today and in ensuing days as we move forward. I am confident in adopting a very comprehensive and thoughtful child care program for this country.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Missouri.

Mr. BOND. Mr. President, yesterday the distinguished Republican leader joked that the problem he had with beginning debate on the bill was everyone on this side of the aisle, and I expect many on the other side of the aisle, has his or her own bill that he considers is certain to solve the child-care problem. I come to the debate today as one of those Senators who does have some very specific views on what is needed to solve the problem of adequate child care in this country.

Child care has been in the works for almost 2 years now, but the major parties are no closer to agreement on many issues than they were at the start of this debate.

Last September when Senate considered the so-called family package, I began a floor statement with words to the effect that there was now agreement that the Federal Government should play a role in assisting communities and parents with their child care problems, but certainly no consensus on how that ought to be done existed. I think I could have opened today's statement with those same words.

In fact, in many ways, there was less controversy or at least fewer controversial issues in last year's parental leave child care antiporn package than in this year's package, which has become an omnibus tax child health child care employee benefits church-state entanglement package.

I commend the supporters, the authors, and the amenders of the bill in working to resolve many of the problems that have arisen. Unfortunately, while we have made progress in a number of areas, I definitely do not think that what we have achieved is the best possible child care package and I have some grave reservations about it.

While it is true that a compromise has been reached on the standards issue with the National Governors Association, of which I used to be a member, I question whether all of the Governors or all of the State agencies involved and concerned about child care would accept it. Certainly the so-called NGA compromise is an improvement over where we were. But I share the concerns that my colleague from Oregon expressed yesterday that the incentives for State standards and the nature of those standards are apt to be the forerunner of mandated Federal standards.

As one who spent a number of years trying to develop effective programs in spite of Federal restrictions and limitations which often tied our hands, cost too much time, effort and energy in meeting those standards, and denied us the ability to place resources and efforts where we needed them, I feel that any effort to establish Federal standards is not the right way to go. A number of old issues have been dredged up by the amendment and they are still unresolved. And there are some new questions that have come up as a result of the scope of the Mitchell amendment.

The effect is unsettling. No one wants to consider voting against a child care bill. However, I am reluctant to support the Mitchell amendment for a number of reasons. I would hope some of the things that do not deal directly with child care could be taken out. Section 89 is an issue which I and many of my colleagues have addressed in this Chamber. I do not think this is the proper time or place to try to deal with the very serious burdens that section 89 puts on many of our employers. I would like to see us deal with that issue separately and I do not believe a halfway resolution of that issue will suffice to relieve the burdens and the tremendous disincentive for employers to provide health care insurance.

Let me continue with specific concerns I have with this bill and the amendment to it. First, about the money involved.

Both sides seem to have concluded that a major ongoing Federal commitment is necessary to meet the need our families have with regard to taking care of our children. However, this provision in the amendment before us could conceivably turn into a multibillion-dollar bill, far beyond the original $2.5 billion envisioned by the sponsors of ABC. In fact, the $2.5 billion ABC authorization would be for next year only. As has been pointed out before, beginning in 1991 we are offering an open-ended authorization for the next 4 years.

"Such sums as are necessary," that wonderful phrase, never turns into a narrowing of Federal involvement. It always means more, bigger, and more expense.

I do not think this is responsible, nor is it necessary in this time of great budget constraints. While it is necessary to provide assistance to families with very low income, I strongly question whether States should be required to spend a minimum of 70 percent of their allotment on that type of assistance. I believe that parents face far more problems than just obtaining affordable child care.

I note with interest in Senate bill 5, the original draft, there is a great deal of emphasis placed on the need for availability of child care services.

Mr. President, let me tell you, I have spent a good bit of time, as my staff has, talking with parents in Missouri, talking with child care providers, talking with people who regulate child care providers, civic groups who are interested in it, and employers who are concerned about assuring adequate child care for their many employees who now need child care.

I would agree, as I assume everyone in this body would, with the statistics that more and more parents are working and need child care. Whether it is a two-parent working family or a single parent head of household, we have increased significantly, in our economy, the need for child care.

But what I have found, as I have gone back to Missouri, is a tremendous crying need for more spaces. A civic leadership group in Kansas City, Kansas City Consensus, took a look at some of the problems facing that city. And they found an overwhelming shortage of infant care in Kansas City.

I have talked with employers who provide day care services. Some of them are hospitals. They have excellent day care facilities but they have waiting lists as long as the enrolled list now. And they keep telling me that they are looking for additional ways to establish more child care slots.

Our Missouri Department of Social Services, and Division of Family Services, has taken a lead role in promoting child care, regulating child care, making sure that the child care afforded to the children of Missouri is the best available at the dollars which can be provided. They tell me that their greatest concern is a shortage of subsidized slots. There are 400 children that the State has money for on waiting lists and there is no place to put them.

I provided in a bill that I submitted a much more modest authorization for funds for assistance for children from families who need subsidization of child care costs. I believe, for a much more modest sum, we can deal with the problem of families below the median income. It does not help us, however, to put more money simply into the affordability, into the assistance for low-income parents. We have at least 400 children for which there is money available and there are no slots. I do not think we are focusing on the real need, which is a lack of available child care resources.

Second, I have some problems with the scope of the bill and the direction of it. I continue to believe we could get much more for our money by using Federal seed money to begin programs that will leverage State and local dollars in expanding the supply of care. Federal programs work best when they require commitment from the State and local level and when the recipients of aid do not begin to rely on the Federal Government for ongoing and expensive assistance.

We already provide assistance to the States. The States match that. And that money is essential for helping those who really do need care. But that, to me, is not the problem we see in my State and I would suggest to my colleagues that if they will look at the child care situation in their States, they may find similiar problems.

Third, I have some real problems with the extent of earmarking. The priorities that are established may sound good to a number of us. Certainly we all like to see more dollars placed in assisting low-income families to get their children into good child care. But, as I have said before, that is not the problem. I might state parenthetically, I support a general tax credit or earned income tax credit for low-income families as a matter of good social policy. It is a good way to assist people at the low-income end of the economic spectrum.

It is probably an excellent idea if we were considering a consumption-based tax. It may well be a better solution to assisting low-income families and increasing the minimum wage, as several of my colleagues have suggested. But that, too, does not deal specifically with the problem of availability of care.

To go back to the ABC bill and the Mitchell substitute, one of the good things that the bill's sponsors like to say about the bill is that it provides for State flexibility and control. If I gave you a $10 bill and told you how to spend $9 of it, would that be flexible? That, in fact, is what the ABC bill does; $7 of $10 must be spent on direct assistance through grants to providers or certificates to parents. Eighty cents will be spent on administrative costs. Up to $1 will be used to set up mandatory resource and referral systems, teacher training programs, and scholarships to the teacher training programs. An unspecified amount will be used by the State to ensure everyone who should be registered is registered, a day care police. I am not sure we need to spend money on that effort, but the States do not have the flexibility of deciding where their needs are. The total of these items comes to about $9 out of $10. States are not able to choose how to use the resources available to meet the needs as they see in their State.

Among the things that we have found as we have talked with people interested in child care are a couple of overwhelming needs. No. 1, there is a concern about liability. How can they pay the liability insurance premiums that are required? Personally, I think we ought to be putting money into a risk retention, a liability pool to lower the costs of insurance for all day-care providers so that they will not be shut out of the market or have to charge such high fees that they will discourage moderate-income families from participating in child care. That, I think, needs to be addressed. Many companies have said that they are looking at child care and they are discouraged by the amount of the initial startup costs to get involved in child care, to set up the facilities they need. I think there ought to be more flexibility so States could assist with that type of use of resources to provide, either through tax credits or grants, partial reimbursement for establishing child care.

Finally, there is one major area which I think is left out of this bill. It is mentioned in passing as one of the possible opportunities. The bill defines an eligible child as one under 16 but it virtually guarantees that the assistance will go to children under 5. Mr. President, what about the millions of children who go home from school to empty houses or whose parents have to go to work early before the school opens? I think that the latchkey approach to day care is extremely important. We have seen latchkey programs working on a pilot basis in Missouri. They have been assisted by the use of State funds to set up the startup costs of beginning an extended day program by putting money up front for doing the surveys, doing the training and establishing the programs. They have

been able to get good extended day care programs in Missouri. Some 30 school districts provide it. In some instances, the schools provide it directly, hiring people who are day care providers to come in and use the school facilities after hours and before hours. In other instances, they cooperate with community organizations, such as the YMCA in St. Louis does a wonderful job. Still, there are far too many years in the State of Missouri where children in school do not have a place to go, while their parents work, after school hours or before school hours.

I really believe that we need to focus more attention and more effort on extended day care. From my own family's experience, I know when you have two working parents you are very much concerned about what happens to your child before or after school. One of the things that Scholastic magazine found when it asked children to write about what they feared was a tremendous number of children who said they feared being at home alone.

Mr. President, I think we need a bill that either directs or at least allows more flexibility for States to provide the startup costs. Really getting these programs started is expensive, and we could use Federal seed money to do that. The fees for the parents with adequate incomes would carry the program and the subsidies that are already built in could provide for scholarships for children whose parents cannot afford the day care costs that would be charged.

With all of the other requirements in the bill, if we are going to earmark these provisions, then we should at least establish a floor of activity so that the latchkey component can be addressed. I will be supporting amendments to this bill which I hope will direct its focus more toward assuring the availability of services, and I hope that they will succeed. In any event, I am prepared to offer an amendment, if we choose to go the earmarking way, which will earmark funds specifically for the startup costs for latchkey children.

Funding the startup costs, whether it be construction or in the case of schools the surveys and the training needed, are essential if we are going to address the availability problem. I hope we will be able to direct this bill away from the current jumble of issues which are addressed into one which effectively and economically provides for meeting the great need that we see in this country, and that is to provide more adequate child care for children in need.

I thank the Chair.

Mr. DODD. Will my colleague yield? I want to commend him for his comments and tell him we will take a look at the amendment the distinguished Senator would like to offer in that regard. I want to commend him for a couple points. As he will not be terribly surprised, I also want to disagree with a couple points he raised.

One of the criticisms we have received from opponents of the ABC bill is there is no supply problem. A lot of the correspondence suggested there is not a supply problem; there are plenty of slots available. My colleague from Missouri has accurately pointed out the situation in his State.

Let me share with him very quickly the statistics nationally in supply, just so we make the case. Seventy-four percent; a survey done recently indicated that it was difficult for working parents to find quality care at affordable prices. In a 1986 survey, 230 public housing projects across the country with on-site child-care centers reported combined waiting lists of 96,000 children. That is the AFDC family we are talking about. Most of the on-site child care is provided by hospitals, and the hospital industry is the largest work-site child-care center. One hundred twenty-nine of the centers showed that two out of every three babies whose parents applied were turned away. Centers were serving 12,336 children while 7,988 were on waiting lists at hospitals.

The Senator is absolutely correct. For those who will make the case that availability is not an issue here, they just have not read the data, and I invite them to do so. It is objective data collected by hospitals and State organizations like the distinguished State of Missouri.

I also suggest there is a relationship between availability and affordability. In a survey just completed by Lou Harris for the Philip Morris Corp. in April or May, interestingly, child care is more expensive in our urban areas, the urban poor areas, than it is for families in the $35,000 to $50,000 range income. Part of it, I suspect, is because there are fewer available child-care sites in the inner cities, and so the market is such that those centers can charge whatever they want because there is little competition there. Actually, those poorer families are paying more. So there is a relationship, I would suggest, between affordability and availability as well.

Third, and here I will disagree with my colleague, our bill provides $7 of $10, to use his analogy of the $10, directly for parents. One of the things that has been raised, I think, where there is unanimity of thought here, is the money ought not to go to the Federal Government or the State government or the local government. We ought to be providing assistance to parents. That is where the real issue is, get the money to the parents. So in our legislation here, $7 out of every $10 goes directly to parents, not to some State agency that might or might not do something intelligent with it, but goes directly to parents. The remaining $3 is discretionary. Obviously what we want to see the States do is more in the supply area, to increase availability, with low interest loans and the like to increase supply. But the $7 goes directly to folks, to parents to make choices about where they want their children to go.

Last, I would say that there is a liability provision in the bill. Senator HATCH is the author of it. It is $100 million. I think my colleague might argue we should have more in there. I would not necessarily disagree; we may need some more, but we do have that important issue of insurance included in there.

He is absolutely correct on the latchkey issue. We have to work out something to maybe do a bit better job. The problem with the proposal of the President and minority leader, their bills cut off all assistance after the child reaches the age of 4, in the case of the minority leader, and in the President's bill up to the age of 3.

My colleague from Missouri has pointed out there is a serious problem with children between the ages 6 and 15 and I could not agree more with him. Our bill provides assistance up to the age 16 in child care.

What we might want to do is lower that age for child-care assistance and then build in a factor beyond the age of, say, 10 or 12 for latchkey and do something else for children in the school system but something along the lines of the suggestion of my colleague from Missouri would be very helpful. I commend him for his comments and point out some areas I would have some disagreement with him, but I thank him.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Missouri.

Mr. BOND. Mr. President, to respond to my colleague from Connecticut, as I indicated, there are many areas of agreement that we have and certainly availability of spaces is one where I think we really do not have an argument. We have talked to too many people in our State of Missouri who say, "We cannot get it. We just do not have the child care available."

Now, the Department of Labor has not been a great fan of the proposition that there is a shortage of child-care slots but even the Department of Labor study last year conceded that if there was one it would be about a million latchkey slots. So that is a grudging recognition that there is a lack of availability.

I am not as familiar with the national figures as my colleague from Connecticut, but I can tell you that we have talked to people who are in the child-care business, and those who are parents who are seeking child care and the lack of availability is the overwhelming need. Four hundred children in Missouri: The State depart-

ment of social services has the money but they do not have the spaces. And that is why I would like to see the focus of this measure directed toward things that will provide for availability. The extended day I think is extremely important beginning from whatever, 5, 6 years old, whenever the child gets in school perhaps through 12. We can agree or disagree within a couple of years, but I think getting schools to participate in that requires simply some startup or seed money, so we will be discussing with my colleague from Connecticut that option.

But now that we have agreed the problem is availability, I hope that we could free more of the money to go for those things which could assist employers to set up day care, or which would provide a revolving loan fund. To help the small in-home day care provider to meet State standards. These are the things that are going to bring more slots into the market. The 400 chidren that have been identified by the Division of Family Services are from low-income families who need direct State assistance. I can tell you from direct personal experience that the pool of chidren needing day is much larger and I hope we can address that.

I thank my colleague from Connecticut. Mr. President, I yield the floor.

Mr. KERREY. Mr. President, I have listened with great interest to the distinguished Senator from Missouri, as I did to the Senator from Iowa earlier, in particular the concerns of the Senator from Missouri for the States and their role. The Senator from Missouri, having been a Governor before, understands the difficulty that States have with Federal mandates and the costs very often imposed by these mandates are not provided for in the legislation.

The National Governors Association approached me, and I approached the distinguished Senator from Connecticut on this issue, and the Senator from Connecticut was willing to make some alterations in the bill that took that into account. As a result, the National Governors Association now is in full support of this piece of legislation. The Republican Governor of New Jersey, the Republican Governor of Iowa, the Democratic Governor of Arkansas, and the Democratic Governor of Virginia are the lead Governors for the Governors in support of this.

They are concerned about mandates.

The welfare reform bill, the nursing home regulation bill that was passed last year, have added additional costs to States without any commensurate reimbursement coming from the Federal Government and they are concerned about the rising costs of these mandates. The Senator from Missouri is absolutely correct. I am sure he could get up at length and talk about the cost of mandates during his time as Governor, and I can as well.

I had some concerns about the vouchers. I have enjoyed the support of the education association of my State for a long time and they have opposed the bill as a consequence of vouchers. I have overcome my concern for that and have managed to irritate in a minor way some friends of mine who see this as an opening. I do not. My concern for this particular problem causes me to override my concern for irritating my friends.

I listened to the Senator from Iowa talk about his concern for freedom of religion and the importance of religion in the lives of American families, and I think his voice needs to be heard more. I, as well, believe that an individual who has the requisite faith will be able to endure all kinds of problems, will be guided by that faith, will be enabled to overcome all kinds of adversity. The precepts and the lessons of religion are extremely important. We have a first amendment that I think wisely guides us to keep religion and Government separate.

Again, the distinguished Senator from Connecticut has made many concessions that have pushed those of us who are concerned about the first amendment, have pushed us to our limit. I think he has conceded concerns all of us have that religion be an integral part of the life of a young person as they mature.

The question of Government involvement is also an important issue, and I wrestled with this at great length, but as an individual who has been assisted myself as a consequence of Government involvement I am able to say the demand is so great that Government involvement is absolutely essential. We have to look for a way to accomplish the objectives we have, and I think again the distinguished Senator from Connecticut has made every effort to do that in this bill. It seems to me he is extremely reasonable in that regard.

I have heard concern that the cost of this program might rise. The Senator from Missouri raised that issue. I have been challenged before by people at home who say, gee, we are going to start this program and it is going to grow in cost." The truth is the requirement of cost is much greater than this bill even provides and that many people, myself included, have some difficulty with this bill because of the amount of money that is being provided is so low.

We all know that although there will be an authorization of $2 billion, $2.5 billion, it is very likely that the ABC bill, if it is passed, will be dealt with in a similar fashion as the drug bill. It is not likely there will be $2.5 billion appropriated in the final analysis. There will be far less.

As a former Governor, I was concerned, as again I am quite certain the Senator from Missouri is, that we will be saddled at the State level with additional costs without adequate resources being provided. I agree with the Senator from Missouri. I think much more needs to be done, that there are other problems that with which we are faced. He referenced the title 20 reimbursement. It is woefully inadequate.

And it places an enormous burden on individuals who are trying through educational training to provide for children and for themselves simultaneously. The health care and nutritional needs of our children in many instances is an embarrassment and should be an embarrassment to all.

Mr. President, before I proceed further I want to join the rising chorus of people who are heaping praise on the Senator from Connecticut, and as well the Senator from Utah who joined forces to fight for this legislation. I believe they are fighting against most difficult odds, not only the odds, but the people who resist, the previous administration and this administration resisting this particular form of legislation, people who believe that it is going to do terrible things. Not only is he battling against the specific instances of disagreement, but, Mr. President, I believe he is also battling against our worst tendency, and that is the tendency to procrastinate until an opportunity becomes an emergency, until we are threatened with all the adverse consequences of crisis.

Our inclination, our natural inclination to wait until tomorrow, prevents us from responding as we should when we observe the facts of the current condition of America's children. We look, and with notable and fortunate exception of the Senator from Connecticut and the Senator from Utah and others who have labored long for this bill, we are unwilling to act. I believe we will stand 20 years from now and look at the individuals who fought long and hard for this piece of legislation, and everyone almost unanimously will agree that it was necessary that we should have done it earlier.

We are overcoming our resistance to do something we have not done before that we desperately need to do, and we need to do, in my judgment, more of.

We simply do not feel the crisis. So we are unable to connect the difficulties that are faced by many American schools because malnourished and poorly developed children are arriving daily. Our teachers, American teachers, are increasingly distracted by the extra attention required for children whose care is insufficient. A child who arrives at school a year or two behind will arrive at the end of their education 4 or 5 years behind. It is almost impossible to catch up.

We do not feel the crisis, and so we are unable to connect the increasing violence of our cities as well as the

rising populations of our prisons with the damage that is being done to children raised in an environment where such violence is rewarded. Our law enforcement officers are increasingly dismayed by the rising tide of juvenile disorder and disobedience. They know that tough laws are only part of the solution.

We do not feel the crisis, and so we are unable to connect the rising cost of health care in America with the decreasing availability of early childhood care. Here our tendency to wait until tomorrow is illustrated best: The baby looks healthy so we do not intervene; the child looks good so we do not act; we wait until the illness caused by neglect becomes evident and more costly.

We do not feel the crisis, and so we wait until the child grows into an adult. We wait until the adult cannot read a job application, or cannot operate the sophisticated technology of today's work place. We wait until human potential has been nearly extinguished, and then we wonder what we can do.

Mr. President, one man who knows there is a crisis and has been urging us not to wait is the Senator from Connecticut. The controversy of church/State concerns, the worry over federally imposed standards, the alternative proposals offered to avoid having to appropriate money, none of these have caused him to quit. He has patiently endured and now we are near the beginning of Federal action that is long over due.

Mr. President, a remarkable measure of our need to act now is the presence and the courage of the Senator from Utah in support of this legislation. He is not a man given to rash actions that require movement by the Federal Government. He is a man whose conservative credentials are impeccable.

With the Senator from Connecticut and the Senator from Utah marshalling their forces behind S. 5 I do not understand why it does not garner the same kind of mandate given the S&L legislation. Surely, the needs of our children are greater. Surely, the wallet which became available to rescue this Nation's gamblers can rescue those on whom we are all betting to carry us into the next century.

Mr. President, Nebraska is a State blessed with strong families who have always been the foundation of our society and the foundation of our economic effort. They have always been the source of our greatest pride and accomplishment. They have always nourished the most remarkable human efforts of creativity and perseverance.

Nebraska families need the Act for Better Child Care. There are 140,000 children under the age of 5 in our State. Of those, 72,500 need child care. However, there are only 35,000 slots available, slightly less than half the number who need care.

There are only 1.2 positions in Nebraska's State government reserved for administering child-care programs. This is woefully inadequate.

Mr. President, there is a further dilemma, a dilemma that I and everyone else who has visited child-care facilities have seen, a dilemma that is in Nebraska and I suspect it is not unique to my State. It is a dilemma of parents struggling to pay for the cost of the care and centers that are struggling to hire qualified people at the existing level of reimbursement.

Last year this Senate passed the welfare reform bill, providing opportunities for individuals who are on welfare to move into the work force. And one of the most imposing barriers that are there is the cost of child care for that individual.

The average cost of quality child care in Nebraska is $3,000 a child, a figure that is far beyond the means of many families who want only the best for their children. However, Mr. President, with this level of reimbursement most centers in Nebraska can only afford to hire employees at or slightly above the minimum wage. This does not permit the hiring of care givers whose skill level is as advanced as we would desire.

As I have referenced in my earlier remarks, Mr. President, this situation is simply far worse for title XX reimbursement.

Mr. President, I urge my colleagues to see child care in the same way that we look at our own children. We love our children. They are not problems to be solved. We accept full responsibility for their care, not because we have to but because we choose to. Perhaps the most difficult aspect of this effort taking care of our children and helping our children is accepting that at least to some measure we will fail. Not all will blossom with our nourishment. Sometimes we will simply not know what to do. The rule will be an incremental program, and very often it does not conform and does not reproduce well on campaign brochures. The exception will be when an individual says thank you and expresses some gratitude.

I know that many of my colleagues have grown skeptical of Government's ability to provide care and assistance, and I have heard that skepticism repeated over and over and over. I understand and have seen myself programs that simply do not work. Sometimes they are corrupted as we have recently in the Housing and Urban Development scandal by the very people we hire to make them work. Sometimes they are undermined by consultants, more interested in fees than they are in results.

Mr. President, I stand here today before my colleagues and remind all of them that Government programs designed by them have helped me. The Army doctors who operated on me on the 15th of March, 1969, saved my life. And the time I spent in the Philadelphia Naval Hospital in 1969, and Veterans' Administration hospitals after that enabled me to put my life back together. The Government programs allowed me to go back to school, and Government assistance gave me the income I needed to live a better life.

Mr. President, I can be very critical of Government. I have a very healthy disrespect for Government and its actions. It is a long way from perfect. The care we give does not always help, but in my case it did.

I hope we will pass this bill in the same spirit. Moreover, I hope it is simply a first step in a long march toward a comprehensive policy for our children. Such a policy must look 10 to 20 years ahead. We should be considering what we can do so you and I can celebrate in the year 2008 the great progress that will be made by the children that will be born in the summer and fall of 1990.

That is the kind of forward look that we need in order to do the right things now. Such a policy must recognize that quality child care encompasses not merely custodial care of children while their parents work. Many children need help for complete development, including health, education, and nutrition.

S. 5 is a beginning in setting up the framework needed for such a program. In order to make sure that it is done well, we must dedicate ourselves to providing the final resources to get the job done. If we can make the commitment to the health of our financial institutions, if we can move a bill as rapidly as we did to provide for the health of our financial institutions, $157 billion over 10 years, $300 billion over the 30-year life of this program, if we can see the urgency that is required to provide the health of our financial institutions, surely we can do the same thing for our children, surely we can look at the lives of the children of the United States of America and see that we will depend upon them, at least as much as we will depend upon our savings and loans institutions to build our homes. They will be building America in the 21st century, and, Mr. President, I think it is time for us to act.

Morever, Mr. President, I call upon President Bush and Vice President Quayle to put the same kind of energy they are putting into perfecting our relations with other nations into the effort to perfect our children, American children. Let me further suggest that this would be a good assignment for the Vice President of the United States. So far this year I have seen him in a bar in Australia, a refugee camp in Thailand, and rafting on a river in West Virginia, and the day before yesterday he was in El Salvador. Rather than standing between two Salvadoran generals with a Soviet flamethrower in his hands, I would like the President of the United States to assign the Vice President to rally Americans to be concerned about our children and to ask what we need to do. This is a first step.

This will not answer all the questions, will not solve all the problems, will not do all that we need to do. It will open the problem up and say to Americans that we need to do much more. We need to look at the preamble of the Constitution and look at it carefully. We are not here in this Nation to secure the blessings of liberty just for ourselves. We are here to secure the blessings of liberty for ourselves and posterity.

Mr. President, it seems to me that this piece of legislation sets us firmly on a course to get that done. I look forward to working toward the goal of providing high quality child care for all the children of the United States of America.

Mr. President, I yield the floor.

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER. Senator Sanford.

Mr. SANFORD. Mr. President, I want to commend Senators DODD and HATCH and other cosponsors of this ABC bill. They have strongly supported S. 5 and formulated a great idea into a workable plan, worked on it now for several years. And I want to congratulate, also, our distinguished majority leader for so skillfully bringing together several very diverse components into one bill, making it the most comprehensive piece of child-care legislation ever to be offered in Congress.

This child-care bill will help North Carolina make child care more effective. It is not a new Federal program. It will help the State do a better job. It will help our State create an environment where our children grow up safe, supported, and nurtured.

In 1986 there were 487,000 children under 6 years of age in North Carolina. Ninety-five thousand of these children lived in poverty, and 58 percent, 6 out of 10 mothers with children under 6, were employed. The child-care bill is projected to help serve 32,000 children in North Carolina. It is an important first step, and there is much yet to be done.

Senator BENTSEN's tax credit legislation would provide a new, refundable tax credit to help low-income families provide health insurance coverage for their children; make the current dependent child care credit refundable and increase the amount of the credit for low-income families. His initiative would also repeal the current section 89 nondiscrimination rules for employee benefit plans and replace them with new, simplified test.

Now, of course, these tax credits alone would not be enough. That is where the ABC bill comes into play. S. 5 addresses in a comprehensive manner the key issues of cost, availability, and quality that low-income families face in meeting their child care needs.

The ABC bill not only makes child care more affordable for parents and encourages their involvement, but also insures minimum standards for providers and looks at ways to improve their wages. It is forward looking and an approach which views the development of children as an investment. The very best investment in our country's future.

It is clear that child care is no longer a luxury for American families—it has become a bottom-line necessity. Policymakers from all points of the political spectrum now argue that we can no longer ignore the changing demographics of our work force and its effect on children and families. So, we are no longer debating whether to act on the critical issue of child care, but rather, how to act and how much to spend.

Some critics argue that there is only a shortage of funds to pay for child care, not a shortage of child-care programs in this country. Let me state resoundingly for the record that that is just not so. In my State of North Carolina, for example, 55,476 children are not being served in day-care programs.

If we continue to neglect the child care and early childhood development of millions of poor children, we imperil not only their future, but our own. This is especially unfortunate when study after study reveals that high quality, comprehensive early childhood development programs lay the foundation for the basic skills that our children must have for success in school and later at work. These programs are even more crucial for disadvantaged children and can help them to overcome some of the harmful effects of poverty.

Our employment policies have not kept pace with the changing realities of our work force. With the exception of South Africa, the United States is the only Western industrialized nation that does not have a parental leave policy that allows parents to stay home with their new babies. As a result, most low-income mothers must return to work and seek care for very young infants. Nearly half of the women who went back to work 4 to 7 months after childbirth faced significant problems finding child care.

Additionally, many members of my constituency believe homebased child care is an integral part of a parent-child relationship. Therefore, in looking at the child-care needs of mothers who, for a variety of reasons, choose to work outside the home, we should likewise seek to make possible the effective choice of a mother to remain out of the labor force and to provide home-based child care. This certainly is not a constitutional right, but it is good public policy.

Samuel Sava, executive director of the National Association of Elementary School Principals, has spoken of the "endangered promise" of early childhood. Mr. Sava's well researched document reports that early childhood programs can contribute to children's development, help prevent the personal and social problems of children living in poverty, and save society money. The danger is that we may squander the opportunity, by not providing the good care that not only protects children from immediate harm but also contributes to their long-term development.

The wisdom of old sayings is the correct advice today. Let us avoid being left with a pound of cure, nine unneeded stitches, and the tree growing in the wrong direction. Let's move now to take the ounce of prevention, make the stitch in time, and bend the twig in the right direction.

Thank you, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, I just wanted to commend my colleague from North Carolina for his remarks and also the very fine speech by Senator KERREY of Nebraska. I want to personally thank them for their kind comments about the senior Senator from Connecticut, but I particularly am moved by a number of their observations regarding child care and the future of this country.

I would invite my colleagues on both sides of the aisle to read, if they have not heard, the comments of the Senator from Nebraska and the Senator from North Carolina this morning.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 1197 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

Mr. KOHL. Mr. President, we live in a society in which an increasing number of parents must both work to make ends meet.

In the next 5 years, two-thirds of all pre-school-age children and almost 80 percent of school-age children will have mothers working outside the home.

Whether we like it or not, whether we agree on who can provide the best care for our Nation's children, increasing numbers of children are doing without quality child care.

Families are being torn apart at the seams—economically, socially and emotionally. And many have ruptured.

There are 15.5 million children who live in single-parent families. And the hopes and dreams of these children in particular are in jeopardy. The promise of free and equal opportunity is being violated. When parents must make a choice between food and child care, the child loses either way.

The pressures on the American family, Mr. President, are not the fault of the children.

The children are the victims of so many of our policies that I cannot even begin to name them.

But I do know that we must invest in the children, not deprive them. We must love them, not make them feel like the problem. We must turn them on to learning, not turn them off. We must give to these children and their families the very best that we have to offer.

The worst thing we can do is to leave the children unsupervised, or poorly supervised. The best thing we can do is to invest in their futures, and in so doing, preserve our own future.

I am proud to be a cosponsor of the Act for Better Child Care. We know it is an expensive proposal. But we also know that to provide early childhood education now, to provide a nurturing and nutritional environment now, to build the understanding and self-esteem of otherwise underprivileged children now, will save a fortune later.

It is not only the fair and compassionate thing to do, it is the wise thing to do.

In closing, I remind my colleagues of a series of television advertisements that were aired extensively early last fall. The images were of a loving family—playing together, picknicking together, embracing each other. Throughout the ad, our eyes focused on a child—alert, smiling, running, laughing. At the very end of this truly beautiful image, the child was lifted up; raised above and beyond the hopes and dreams of the grandfather.

It is a vision that the American people shared, Mr. President. It represents our past and our future. It represents our traditional values.

I urge my colleagues to support the Act for Better Child Care, to fulfill that promise to America's families—and most importantly—to America's children.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I rise today in opposition to S. 5, the Act for Better Child Care or ABC bill. I do so for a number of reasons, but primarily because S. 5 does not provide parents with a wide range of choices concerning the care of their children.

I think it is safe to say that child care is an issue on the minds of many Americans as increasing numbers of couples are forced into the workplace by financial pressures. That is a reality we may want to decry, but it is a reality nonetheless.

No one questions that families, especially low-income families, need help with their child-care needs. We must pursue solutions with a compassionate realism, recognizing our budgetary limitations but motivated by a concern for children and their best interests.

This is a goal I share with my distinguished colleague from Connecticut, to provide high quality child care to those who need it the most. But I am convinced that the ABC bill he has proposed is a misguided effort at reform in a manner that multiplies our troubles, not divides them.

On May 1, of this year, Newsweek magazine published an article by Robert J. Samuelson entitled "Helping the Working Poor." The article was very incisive and revealed what I believe to be the key defect in approaches like S. 5. Mr. Samuelson opens his article by noting that "the most important kind of help is self-help. Government programs don't pull people out of poverty; people pull themselves out of poverty." He then goes on to say that what the Government can best do but does not is to help those who help themselves. It can, "provide tax relief for the working poor. This is the most straightforward way of aiding many poor parents and their children. The poorest workers deserve to keep all of their wages. Taxes simply push them closer to welfare, where their prospects diminish and they become a burden on society. Tax relief is common sense. * * *"

Tax relief is common sense, and that is what this debate is all about. There are two very different approaches to child care. One is a commonsense approach which gives tax relief to the working poor so that they can make these important child care decisions for themselves. The other is a $2.5 billion boondoggle that will primarily benefit bureaucracies, not individuals. The two approaches could not be more different, nor the effect more profound.

In developing a Federal approach to child care we must keep this in mind, and we must remember certain key, yet basic principles, principles that are irreconcilable with those that animate the ABC bill, principles that should set the limits for our approach to child care.

First, we must always remember that the child care needs of employed parents are diverse. Less than one preschool child in three has a mother employed full time. Less than one in five has a mother employed full time throughout the year. A truly profamily policy must not neglect the needs or overlook the contributions of working families that sacrifice the benefits of a second income to have a parent stay at home. We must consider the needs of all parents with children, not just the needs of those in which both parents work.

This past Sunday, the Washington Post carried an article by David Blankenhorn, president of New York's Institute for American Values. The articles entitled "Ozzie and Harriet, Alive and Well" addressed what I will call the great American lie, namely, that the traditional American family is a relic of the past. Mr. Blankenhorn surmises, and I agree, that this charge is not only false, but pernicious. The fact of the matter is, that more than one-third of all families with preschool age children are "Ozzie and Harriets," homemaker mothers married to breadwinner fathers. Says Mr. Blankenhorn: "They comprise the Nation's largest single category of families with young children." These families sacrifice on the average of $13,000 a year to have mom at home raising the children. They are paying in effect, $13,000 a year for child care. Yet under the ABC bill, these families would get nothing. I do not know about you, but I do not think that is fair, and I can assure you that these hardworking families will not think it fair either if we pass this discriminatory bill.

Mr. President, in looking at these principles we must carefully target scarce Federal resources to those most in need. Though it is sold as a broad-based relief for financially strapped families, the ABC child-care bill actually benefits only a tiny minority. Remember, a majority of families with children under 5 do not have mothers in the work force. And if we even expand that category to include all children under age 18 we still find that the basic picture does not change. While 44 percent of these mothers

work full time, 35 percent are not in the labor force at all. Further, since the Dodd bill only covers "licensed day care" it excludes some 90 percent of providers from eligibility. All told, the ABC bill would give help to about 1 in 10 American children.

And I would add that the small number of children that are helped, ironically, do not come from lower income families, but from wealthier, professional ones. When low-income families use day care at all, they seldom use the professional, licensed facilities that would primarily benefit from ABC. Their choice, more often than not, is a relative or a neighbor. Mothers in professional or white-collar jobs are three times more likely to put their children in professional group care than are mothers in blue collar or service jobs. Lower income families would not benefit from ABC, but they would help foot the bill in taxes.

Third, we must expand, not restrict, parental choice in child care. This is my chief complaint about the ABC bill. We should not subsidize licensed, group day care over alternatives like relatives, neighbors, or the mother herself. That is a choice which should remain with parents. And I find it particularly disturbing that sectarian providers would be severly limited in their provision of child-care services. Many would not quality under ABC is they used even $1 of their own funds for "sectarian purposes or activities."

My distinguished colleague from Connecticut believes that families would best be helped by putting $2.5 billion in the hands of bureaucrats, governments, and professional child care providers. He believes that governments, not parents can best determine what quality child care is. He believes that the governments, and not parents, can best regulate child care, and can best protect the health and welfare of our Nation's youth. He believes that parental choice should be limited to licensed, regulated, nonsectarian care. I disagree with that approach and for that reason, am opposed to the ABC bill.

Mr. KERREY. Will the Senator yield?

(Mr. KOHL assumed the chair.)

Mr. COATS. Mr. President, I will be happy to yield after I have finished my statement. I would like to finish my statement first.

Mr. President, I believe that as Federal legislators we must do everything we can to provide parents with a wide range of choices concerning the care of their children. In developing any child care policy, we must keep the principles I have outlined in mind—principles which clearly demonstrate the irreconcilable differences between the ABC bill and, say, the Domenici-Wallop-Coats bill. It is the principles, that must be determinative and indeed undergird our policy. We must be careful not to rush toward passage of legislation that while fiscally responsible—which I do not think this ABC bill is—undermines the very fabric of our most precious resource, the family.

I hope my colleagues who are listening and watching now understand that simply adding a tax component to the ABC bill will not work because the ABC bill is fundamentally flawed. Working families need help. But the ABC bill gives more comfort to bureaucrats than those who need it the most. The last thing we want is a national child-care bureaucracy run with all the efficiency and compassion of the license bureau. The last thing we want is a program that helps those who are wealthier at the expense of the poor.

A universal tax credit targeted toward lower income families provides the greatest direct benefit to families most in need, while assuring flexibility and parental choice.

Parents could use the tax credit for whatever type of child care they, and not the Federal Government, determined to be best for their children—be it licensed or unlicensed care, care at a neighbors house, care by a relative, or care by a church or synagogue. They would have the choice. They should have the choice.

Mr. KERREY. Will the Senator yield?

Mr. COATS. Mr. President, I am happy to yield for a question from the Senator from Nebraska.

Mr. KERREY. The Senator from Indiana has made, I think, some effective arguments, and I have listened to those arguments, in fact, prior to my joining the Senator from Connecticut on this bill. But a couple of comments that he made caused me to wonder if he and I are reading the same pieces of legislation.

The one that was most disturbing to me was the reference to it being a $2½ billion boondoggle. What in the bill caused the Senator to describe this as a boondoggle?

Mr. COATS. Well, my concern is, while we will be spending up to $2½ billion in the first year and such sums thereafter if ABC is adopted, that the funding will not truly address the concerns of the working poor and truly expand, in the way that we ought to, the choices that are available for parents to place their children into child care and that it would be money ill spent—perhaps that is a better phrase—but money ill spent, not money which is utilized by the Federal Government to assist those who need child care in providing the broadest choice, the broadest range of options to parents. By directing the funds through licensed care, through the programs as set up by ABC, I do not believe it is the wisest use of Federal tax dollars. I think we can get far more coverage for that amount of money by taking a different approach.

Mr. KERREY. Will the Senator yield for another question?

Mr. COATS. I am happy to yield for an additional question.

Mr. KERREY. I agree that a wiser choice of words would have been that it is not as good a program as it should be rather than a boondoggle.

But it seems to me, as I hear the Senator's argument, the Senator's concern seems to be that we are not addressing all the problem; that ABC does not get the job done entirely, it just hits a small percentage of the children being served.

By the way, for the Senator's information, I support the President's tax credit proposal. I do not see the two being mutually exclusive. I see the problem being so large that we need to address it.

Does the Senator look at situations like this and try to reach some percentage before a program is going to be satisfactory? I mean, does the Senator have a percentage in mind? Is it that 50 percent of the childen have to be served, or 40 percent, or 30? Do we need to expand this program a bit before the Senator would support it?

Mr. COATS. I will respond to my colleague from Nebraska that the content of my statement clearly indicated that while one of the concerns I have is that ABC, for the expenditure, does not provide us with a sufficient amount of child care per dollar spent, much more important to my opposition to S. 5 is that it does not meet the undergirding principles that I think ought to be part of any child-care bill. It takes away the choice of parents in terms of where that child will be placed. That is a choice that I think should rest with the parents.

Second, and perhaps most important, it discriminates against the mothers who chooses, sometimes at great financial sacrifice, to stay home and provide child care for their children and directs Federal tax dollars not into forstering the family in a pro-family way, but directing funds to only those who choose the child-care option.

It is those underlying bases that form my opposition to S. 5 far more than any particular percentage as to how many slots we will be able to open up with a particular amount of money.

Mr. KERREY. Well, I hear in the argument, though, with all due respect to the Senator from Indiana, I hear in the argument a premise that would say "Let's not build the interstate highway until we all have cars. Until every American owns a car, let's not invest in our highways, let's not build bridges, let's not make any investment whatsoever until all of us can enjoy it."

What I hear in the Senator's argument is seems to be almost circular. The parents have no choice now because there is no Federal response to a real problem that is there.

Mr. COATS. Mr. President, if the Senator will allow me to respond again. In response to the Senator, let me say a couple of things. No. 1, the Federal Government is involved in helping children. We pay $7 billion a year of Federal tax dollars to provide the dependent care tax credit for a whole range of child care uses in this country. What we are talking about here is an additional provision and how best to utilize those dollars.

Second, it is not a matter of simply saying when we reach a certain critcial mass we will then provide the additional funds. Because, as the Senator knows, I have introduced my own legislation and worked for several years in the House of Representatives on developing what I think is a very responsible child care bill that meets the criteria that I outlined here.

I am a sponsor of the Domenici-Coats-Wallop bill. I am a sponsor of the President's effort to provide child care through tax credits.

So it is not a question of whether or not this Senator from Indiana believes that there is a need for response from the Federal Government to assist the working poor in particular in meeting child care needs. I support the current tax credit that is in place, although I think it ought to be revised, and I have have suggested a number of ways to make it more effective and truly target the resources toward those in need.

I do not believe the taxpayer, given the limitation on the number of slots available for child care, particularly for working poor people, that we ought to be subsidizing at the Federal level those who are in the income ranges of $75,000, $100,000, and $150,000. It is available to corporate presidents, those executive vice presidents, to lawyers on Wall Street with starting salaries of $85,000. In fact, they are utilizing most of that $7 billion. I think that ought to be targeted.

But it is not a question of whether or not this Senator, or most of us on this side of the aisle, support child care. We do. We just think there is a more effective approach, a more effective way of delivering child care while we take those very essential principles that we think are critical to any Federal response, those that I outlined in my bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I have listened with great interest to the debate between Senator COATS and Senator KERREY. Additionally I want to compliment Senator DODD for the many hours that he has spent on this bill.

Mr. President, I rise in support of the majority leader's substitute to S. 5, the Act for Better Child Care, the so-called ABC bill. As we listen to these arguments, they seem to be saying to us that we are not doing enough for our children or that the child care issue can simply be handled by a nonstructured program. This would include giving some tax credits to some people. But let me emphasize that a great portion of the people we are trying to help do not deal very well with tax credits. They do not understand them very well. They have a very difficult time with the complexity of vouchers. Alternatively, what we are trying to establish here are two things: First, grants to help the people who require them and, second, a structure where their children will be safe.

Goodness only knows, everybody in this body wants to be certain that we have helped the States strengthen their child-care facilities to make certain they are safe, and to see that the Federal Government assists the States in taking care of this problem caused by new democratic demographic figures for the entire United States.

We have been taking care of our elderly, passing a number of programs, and I have supported those initiatives. But our future lies with our children and some of the statistics I am going to give, Mr. President, were horrifying to me and I think should be horrifying to the American public, regarding how we are neglecting basic care for our very young.

If we neglect that basic care, those children will never have a chance in our educational system. If they do not have a chance in our educational system, they will not have a chance in our work force. And if our work force is not a high quality work force, we will not stand a chance in the competitive world of high technology we all face.

Many of us who have lived through the Depression and through the times of World War II sometimes look back and wonder how we managed to make it. But the competition was not nearly as strong in the educational area, and therefore the need for child care was not as great.

I am pleased, as the Senator stated, that there are still one-third of the families that are the Ozzie and Harriet families, so called: one working, one at home, able to take care of their children. Hurrah for that. But that is not where our problem is.

It is in the other two-thirds, Mr. President, where we have created the latchkey kids. The latchkey kid must come home to no one because both are working, and often he or she has to take care of younger siblings. We cannot be confident of our Nation's future if we do not take better care of our children.

Mr. President, I want to emphasize and I hope that as we go through this debate we understand this, that this is not a bill about philosophy. It is not about a so-called traditional model of a mother staying at home. Maybe it is desirable for this to occur. But we are long past that in the history and the demography of this country. That debate can wage on for years.

Rather, this bill that Senator DODD, the majority leader, and Members on the other side of the aisle have helped work on—and one which I played a small part in—deals with the following statistics: 63 percent of the mothers with children under age 18 are working. These are the two-thirds who are not the Ozzie and Harriet families staying at home. Two-thirds of those mothers are either the sole supporter of their family or have husbands who earn less than $15,000 a year. And only 2 percent of all the preschool children with working mothers can be accommodated in the licensed day-care centers we have today. The question can easily be asked: Where are the rest of the children? Well, they are stuck in nooks and crannies throughout this country, Mr. President, and that is wrong. They are the latchkey kids. They are staying with a grandmother which may be all right; or may be with nobody in the house.

We are not trying to stop people from doing things. We are trying to aid the ones who are in deep trouble. That is what this is, a small bill in terms of the total problem. It is a bill that begins to address the worst of the problem with the hopes that we can address the rest of it in any one of a number of innovative services. And I hope the Senator from Indiana has some additional things because this bill is a start, a start on the most difficult of the problems.

Let us take my own State of Washington. We are looked upon as a prosperous State, Mr. President. Unfortunately, we have, like much of the United States, a kind of a Swiss cheese economy. We have some places that are very prosperous. We have some places that are not very prosperous. And in my State, 43 percent of the mothers of children under the age of 6, nearly half, are in the labor force. Some 65,000 children under the age of 5 in the State of Washington live in poverty. I am ashamed of that statistic, Mr. President. We have prosperity but it has not spread throughout the whole land.

Of these 65,000 children, only 8,700 of them received any child-care subsidy last year.

It has been said on this floor that we are paying a lot of money out to help with child support. But let me answer by saying that we are shifting our

younger population into the work force and as they are going into the work force, both have to work, even those who have children, and these children are left behind. These children are not receiving child care. These are working people; working people who have children who are not receiving adequate care.

My State is trying to meet these needs. It is not that the States are ignoring it. Washington State spent $16 million last year. But they do not have the resources. They do not have the tax base. State of Washington cannot take care of the problem alone.

Beyond facts and figures, Mr. President, emotionally, in our hearts, and in our souls, we need to think about the need for quality of day care and why improvement is imperative.

We need a floor of safety and protection for children and that is what this bill does. That is part of the bill. That is why I support it. That is why I did not just support a voucher bill.

My God, if we put a safety net under our elderly and under the poor, we must also have it under our children who are our future. Nobody will remember what we say here today. My colleagues and myself will be gone, but those children will be here. Those children need to have had a floor of safety, of health and protection beneath them. This is America, one of the wealthiest Nations in the world. We must be able to tell our children, you will stand tall, you will have a chance. You will enter the first grade with sufficient health, mental capacity and ability where you can develop your personality and your abilities to the fullest.

We must be able to tell our children, we will not send you into the world half crippled, or halfway into a life of crime and delinquency. We will give you a chance.

So, whether we are talking about protection from injury, or promoting the mental and physical health of our children, we must provide enough money so that the States can license, train, and provide technical assistance to child care providers. That is the genius of Senator DODD's bill.

Mr. President, this might be called the "peace of mind legislation," peace of mind for parents working at very low wages knowing that when they arrive home at the end of the day their child is all right and maybe, their child is a little ahead of where he or she was in the morning.

Peace of mind for the mother and the father and the family of a small child who worry where that child is all day and what they are doing. For many of us who are parents it is impossible to put a price tag on it.

I was lucky to grow up in a generation after World War II where we still did have the Ozzie and Harriet family. I was awfully happy to arrive home at night and see everybody was still all right. If there had been a broken arm during the day it got fixed, or if one of the children had been sick, there had been some care. But times have changed, Mr. President.

Mr. President, this bill works to reduce future costs for the Government, future costs for America. Mr. Lawrence Schweinhart from the High/Scope Educational Research Foundation pointed out that from a cost-benefit ratio, quality day care is an excellent investment. For instance, in 1988, an annual program cost per participant of $6,600 achieves benefits of $39,000 per child. Why? Because it is savings in costs of special education, crime, welfare assistance, and higher tax revenues due to projected increases in lifetime earnings.

Mr. President, I have had to serve on a committee in this body where we are dealing with crime in the District of Columbia. I can state to you flatly that money spent in the lower grades and money spent for child care so that children have a chance entering into the Head Start Program and into the schools will save us millions. I have just come out of an appropriations conference where we appropriated millions more for special prosecutors and $50 million more for additional persons. And we will have to come back later and ask for another special prison. We are putting people in prison rather than into jobs. It all starts with whether we have initially provided for our children.

In addition, Mr. President, the chairman of the Finance Committee has developed a tax credit proposal that will provide additional assistance to those parents who care for their children within their own home. I support that approach and I thank the Finance chairman. We are not trying to take children out of the home. We are just trying to make the situation a little better, giving the children a chance in life.

I believe that this is a compatible approach and can work hand in hand with ABC. We are serious about a comprehensive child care package, and the Senator from Connecticut has led us in this direction. I appreciate that.

In conclusion, Mr. President, I implore my colleagues to provide their support. Our children are a very fragile resource. They need to be nurtured, cherished and, above all, prized. They hold our families together. They are the reasons we have families, and they are the reasons why we can pursue our own dreams. What we accomplish may be very little, but we can dream for what our children can accomplish.

In the end, Mr. President, it is the children who are going to build on what we have left. Is it not important to give them a chance, a sound mind, a healthy body, and a drive to achieve a destiny we can all be proud of?

Mr. President, I am pleased to have been both an original cosponsor of this bill and part of this committee. I plead with the Members of this body to pass this legislation, a comprehensive child-care bill. I know I want my children to do better than I have done, and I think that dream is shared by every parent in America.

Thank you, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the distinguished Senator from the State of Washington for the comments he has made, and also the Senator from Connecticut for his extraordinary effort on behalf of children and child care.

Last Tuesday, by a vote of 17 to 3 we passed out of the Finance Committee a bill which also addresses child care under a somewhat different approach, one which complements the approach that has been offered by the Senator from Connecticut. I think each complements the other. We also approved a major initiative on child health, and a delay and simplification of the regulations on section 89 of the Internal Revenue Code. In reporting changes in section 89 we have responded forthwith to a vote by the Members of this body.

The other thing we have done in putting together the Finance Committee package is to provide the funding for it, to see that it is revenue neutral, that it does not contribute to the deficit.

And now the Finance Committee bill is incorporated as title II of this major piece of legislation that has been presented by the majority leader.

I would like to take a few minutes to describe some of the points in that piece of legislation, but before I do, I would like to respond to some of the concerns expressed about procedures of the Finance Committee in bringing this package to the floor.

Let me say, first of all, that the members of the staff of the Finance Committee worked with the Treasury Department for almost a week, talking about section 89, and how to ensure that there was enough revenue to cover this initiative. Second, at the request of my colleagues from the other side of the aisle, I scheduled a hearing on the health credit component of the committee bill. In fact, the markup on the tax provisions was delayed in order to take care of that request.

Third, on the afternoon before the committee markup, the staff—Republican and Democratic committee staff and personal office staff—met to iron out some important issues. They talked about the provisions to be taken up in the markup, and talked about the procedure that we would be following during the markup on Tues-

day afternoon. And the intention to link the child care and the child health credits with section 89 was discussed at that time.

Finally, when that markup began, I turned to the members of the committee and once more stated my desire to report the section 89 and the child care credits together. I stated that Members would have a chance to vote on any section of the bill, but when we had finished the process we were putting everything together as one piece of legislation, because one part complemented the other and, in addition, because we had to have the umbrella of revenues to cover all features.

I asked if anyone objected, and no one did. We had a representative of the Department of Treasury there, and I turned to him for any objection he might have, and he had none. When we voted out that legislation, the vote was not even close. It was 17 to 3; strong bipartisan support.

Now why was it desirable to bring out these provisions together? It was desirable for budgetary reasons. It allowed us to match the revenues with the costs of tax credits and the section 89 reforms. And that was essential because otherwise we would have been subject to a point of order, and objections for not having been responsible. It was desirable for reasons of equity because the child health care credit is going to be a lot more successful, a lot more meaningful with section 89 antidiscrimination provisions that work. If you do not have section 89, the problem you could have is an employer who decided, well, the employees are going to get this $500 tax credit if they have health insurance covering their children, so I will just switch some of the cost over to them. But then we would not be accomplishing our objective. So the section 89 piece is germane, it fits together with the health insurance credit, and it complements it.

So I am perplexed by the criticism. Sure, we acted quickly. That is what was asked. That is what the majority leader wanted, that is what the ranking member wanted, and that is what the President wanted.

I also understand there was regret by some on behalf of the administration that they failed to obtain enough votes to win in committee.

But I take issue with the charge that the committee might have acted improperly. The process was open. There was a chance to influence the substance, plenty of chance to influence the procedure, and plenty of chance to object every step of the way.

I must say when I look at this bill I do not see how anybody could oppose what we brought out of the committee. How could anyone oppose a bill which ends a practice that subsidized child care for people making $5 million a year but not for people making $5,000 a year? That is not equity. That does not make sense, but that is the current law.

Now everyone benefits. People opposing this bill are to child care what Grinch was to Christmas.

And these provisions—on both child care and health care—are going to be welcomed by working families.

After all, working families have a tough time making it in America today. It is tough to hold down a job full time, then come home to feed the kids, help them with homework, even before changing your clothes. But American parents are doing it every day. They know it is their job and they are accomplishing it.

And leveling the playing field a little by letting them use this kind of a tax credit now being used by the affluent? I think that's our job.

That is what has to be accomplished, and that is what we have tried to do with this legislation. It can help the millions now locked out of a chance to see their kids treated by doctors when they are sick and cared for when they are well.

A few weeks ago we had a situation where the police charged a mother here in Washington with the death of her infant son. She had gone to take her first job. She called her husband to ask for money for a babysitter, and he refused to give it to her. So she went on to the job and took the baby with her. She felt she had no other choice but to lock up the baby in the car. She was housecleaning for her employer for 3 hours. She came out, and the child had died in those 3 hours.

Now, I do not argue that the provisions of the Finance Committee bill would have necessarily avoided that particular tragedy, but I do argue that such incidents demonstrate the interrelated nature of child care and child health. The fact is America is facing what one health group recently called a "child health crisis" in our country.

White American babies die at a greater rate than babies born in Singapore—or a dozen other countries. Minority babies born within a couple of miles of where we are seated now have a greater chance of dying before their first birthday than babies in Cuba. This is not something to be very proud of in this country of ours.

Of the nearly 40 million Americans without health insurance, 13 million are children. 40 percent of the children under 4 do not get their immunizations. In fact, the percentage of immunizations in this country has actually gone down in the 1980's, which helps explain the sharp upsurge we are seeing in measles, mumps, and whooping cough. Not only do millions of kids not get their shots, they do not get the basic health care that they need.

In recent years we have seen the costs of health insurance premiums going up. We see employers dropping health insurance, particularly dropping health insurance for dependents, because it adds substantially to their costs. A 1988 employer survey by the Health Insurance Association of America showed that annual premiums that year increased by an average of 11 percent for conventional plans, and 17 percent for PPO plans. Meanwhile, a 1988 study by CRS found that the percentage of people under 65 lacking health insurance grew from 14.6 percent in 1979 to 17.5 percent in 1986.

What was the biggest change? In the coverage of dependents.

Am I just talking about the poorest of the poor? Not at all. About one-third of the uninsured kids come from families making from the proverty line to 185 percent of poverty. A parent working full time for, say, the minimum wage—and this one really grates on me—has less chance for access to medical care for her child than someone on welfare. That is not right. There is something wrong with the system. And that is what we are trying to address in this specific piece of legislation.

The problem of children health is exacerbated by the crisis in child care. Right now there are more than 11 million preschool kids with mothers in the labor force, and that number goes up each year as part of the change in this society of ours. It used to be about the only jobs women were allowed to hold were as a nurse or a teacher—great professions, but for them was limited access to the work force. Now jobs are spread across the spectrum, and women are filling all kinds of specializations. But that means a lot of them are not home with the kids these days. So they send their children to child care centers, and they are expensive—often $3,000 a year. Upper-income families spend about 5 percent of their income to try to see that their kids are in adequate child care centers, but poor people can spend as much as 25 percent of their income to accomplish that.

Mr. President, that is why we reported out of the Finance Committee a bill that we thought would address both needs, at least in part. It offers help with child care and with health insurance coverage to protect both children and parents.

These provisions build on a mechanism that is already in the law—the dependent care tax credit already used by over 8 million families to pay for child care.

The committee bill amends that credit in two ways. First, it makes the current credit refundable, which means that it can be used even by families that are not making enough money to pay taxes, or paying such a

small amount that this at least becomes a supplement. Second, it adds a new credit to cover health insurance for kids. Families do not have to choose between those two credits. They can take advantage of both.

This is how the provision works. Right now the dependent care credit almost exclusively helps middle-income and upper-income families. They will still receive a subsidy. But under the package developed by Senators PACKWOOD and MOYNIHAN, most of the new child care money claimed under the refundable credit will go to low-income families. The amount of the credit is also increased for very low-income families. Right now the maximum credit is 30 percent for families with income below $10,000.

The committee's proposal will increase that credit to 34 percent for taxpayers with an adjusted gross income of less than $8,000, and to 32 percent for taxpayers with adjusted gross income of between $8,000 and $10,000.

How about the child health insurance credit? How does that work? It works the same way. Families are eligible if they have a child under the age of 19. They can apply that credit toward a policy covering the child only, or the child and other family members.

The credit amount is based on a sliding percentage of $1,000 of expenditures. Thus, families with incomes under $12,000 are eligible for 50 percent, or $500. The credit phases out completely for families with incomes above $21,000.

Finally, there is a provision aimed at making health coverage more available.

I can remember when I was a kid growing up. You just did not have health insurance. I remember I had a cold, and I could not get rid of it. And my parents took me to see the doctor in our small town. I remember my father asked the doctor what it was going to cost to take my tonsils out. It was terribly important to him how much it was going to cost, and he wanted to be sure he could pay for it. I have forgotten what the doctor told him. At that point, it did not make that much difference to me, a 12-year-old kid. I knew some way dad could raise the money. I was not sure I wanted my tonsils out anyway. But the cost was probably $40 or $50, which was a lot of money then.

I remember my father turned to him, and said, "Don't all kids have to have their tonsils out?" In those days they thought so, and the doctor said yes. So my father said, "Well, if you charge $40 for one, what would you charge for five?" And the doctor said, "Why, Lloyd, you don't have five kids." He said, "No, but with my brother, we have five."

So the doctor told him, and he gave him a substantial discount. My father called my uncle, and five kids, five of us, had our tonsils out that afternoon. And it was a group approach to paying for health care.

But we have moved ahead quite a bit since that time in what we are doing with health insurance. And in this bill we are trying to do more in that regard. We are trying to develop new policies aimed at kids, and families with kids.

Let me make a couple more points about this package. First, it is not going to increase the Federal deficit. The 5-year cost of the bill is estimated by the staff of the Joint Tax Committee to be $10.6 billion. But the new cost will be fully offset by revenues, or we would have never let it leave our committee.

Second, this legislation by itself is not going to solve the problems of child health. But it is a piece of the puzzle. It is a piece of that quilt that we are putting together that compliments the various ways that Congress has sought to strengthen the Medicaid and Maternal and Child Health Programs, things we have brought out of our committee, and things that have been brought out of the committee of the Senator from Massachusetts and the committee of the Senator from Connecticut.

There is one final component of this bill, and that is the repeal of section 89 rules and their replacement with a practical alternative. Those rules were so complex they were causing employers to consider dropping their health plans completely. If they do, they are going to dilute the effectiveness of the child health insurance credit.

Without antidiscrimination rules, you would have that distortion in the premiums that I talked about earlier. There are some who simply argue we ought to repeal all of those rules. But I do not think repeal is the right answer. The Members of this body showed the other night that they did not think it was the right answer. It would mean going back to no rules.

Under the Finance Committee bill, if an employer wants to take advantage of the tax benefits for his highest paid employees, then he has to offer the same coverage to at least 90 percent of his employees. That seems fair to me. And this time, I think the test will work.

The charge has been made that the health insurance credit that we will propose will not increase the number of people who are covered. But that is based on a static analysis. That is the same way the child-care credit has been estimated, too. That is an estimating assumption—not evidence of what will really happen.

What I fear you are going to see is more and more plans dropped, and more and more dependents cut out of plans. You will see the continued escalation in health insurance costs. That is what we are trying to squelch—that kind of an erosion.

We have had testimony before the committee by insurers saying they will respond to the incentives we are providing by making available low-cost products with the objective of reaching children and their parents.

We are seeing some innovative things done, and I believe States, hospitals, schools, or even churches will have an incentive to respond with an affordable insurance package for children. One group in Florida is already putting together a demonstration project providing for health insurance through the school system. That is the kind of innovative approach we ought to see across the country. Some new programs that have been put together in California cost as little as $300 to $400 a year, depending on the age of the child.

And will the health insurance credit buy something worth while? Absolutely. For example: The actuarial value of the child portion of the Blue Cross/Blue Shield standard option for Federal employees is about $1,000. It gives you unlimited hospital care, major medical coverage, and well-child services—some very substantial benefits for children.

The Health Insurance Association of America also agrees that the credit will expand coverage. They concluded the health insurance credit would make a dramatic difference in the proportion of low-income employees choosing to extend health care coverage to their kids. That is a gap that has to be taken care of.

When the Joint Tax Committee estimated the cost of this exchange they concluded the bill would help a lot of people already insured but struggling to pay those premiums and beginning to drop them. I would be surprised if there are not families that now decide to buy that additional insurance.

So I think it is a positive step forward that should be taken.

I urge very strongly that Members of this body support the proposal of the majority leader which will be a step toward closing that gap of child care and child health for the children of this country.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. WILSON. Mr. President, at the outset of my remarks, let me commend my colleague from Connecticut, Senator DODD, for his extraordinary efforts in the area of child care. The Senator has been an outspoken advocate for the kind of legislation that he hopes will bring about a marked improvement, and indeed he has called this

legislation the Act for Better Child Care. That is clearly his fervent hope, and he is deserving of much credit for bringing the ABC bill and more importantly the subject of child care to the forefront of the legislative agenda.

I say that having publicly and privately differed with him on approach. The happy thing is that those of us in the Congress and certainly President Bush in this campaign have made clear that we accord to the subject of caring for children the priority that it must enjoy if in fact we are to keep faith with the children who are our inspiration and for whom we hold such aspirations that they will know a better life than we have.

But as has been pointed out repeatedly on this floor, we are in a time of great change, indeed change has occurred, marked change, since the time that most privileged to serve on this floor were themselves children. At the time that the men and women now Members of the Senate were growing up the norm was that they would be given care within their own family, typically by mothers and grandparents, living in what was then an extended family.

That is no longer the norm and tragically so. I say that I think we have lost a great deal.

I learned a great deal from not only my own mother but also my grandmother, who had a high school education, I guess the equivalent of it. She came from the old country, born in County Clare about a half mile from the River Shannon, but she knew geography, she knew history, she knew a great deal of literature. Somehow she managed to teach me to read before I got to kindergarten, which was a source of some distress to my kindergarten teacher. In any case, I think I was privileged to enjoy a rather remarkable child care in the context that we all did at that time because at that time women worked to be certain. They worked as homemakers. They worked in the home.

But today, Mr. President, for reasons that relate to inflation, reasons that relate more importantly to the fact that there are a great many more single parents than in the time that you and I were children, we have seen the vast majority of women of childbearing years enter the marketplace and in most cases not simply as a matter of fulfillment, but as a matter of economic necessity.

It is because we differ on approach that this very healthy debate is taking place, and I must say that having commended the Senator from Connecticut for having pressed relentlessly to bring this legislation to the floor and to focus upon the need for better child care.

I would commend him as well, he and the majority leader, and the chairman of the Finance Committee, for having sought to accommodate those of us who hold different views, who agree upon goals but would differ with respect to approach, and I will discuss some of the changes that have been made in this legislation since it was first introduced and do so with the commendation that they have sought to be accommodating.

I will also say I wish that I could have been more persuasive with my colleagues than in fact I have been, but the debate continues and perhaps the legislation that is before us will change; in fact I think that it will.

Mr. President, I had hoped that we would be considering legislation which adopts a different and I believe an even better approach to the child-care issue, one which the administration could support without qualification.

In my view we should fashion child-care legislation which adheres to four basic principles.

First, I believe that the choice as to the most appropriate care for a child must remain with the parent and not with well meaning bureaucrats. The choice should be in the hand that rocks the cradle, not the decision, I repeat, of some bureaucratic professional who cannot be possessed of the wisdom of Solomon and hope to prescribe for the differing circumstances that exist in every community across our land, for the different needs that relate to difference in circumstance of the consumer, the parents involved, that relate to differences arising from economic and ethnic and societal differences. In my own State, Los Angeles is not Lodi. They are not the same community. They do not have the same challenges or the same opportunities and the circumstances of parents there differ.

So parents should be able to choose freely from the widest possible range of child-care services whether the services that he prefers or that she prefers be that offered by a church-based organization, or by a neighbor, or a relative, or be it after school care or that offered by so-called professionals who are offering child care in a center-based way, whether it be through a proprietary or for profit or nonprofit institution.

That choice should be that of the consumer, the parent, and the Federal Government ought not to seek to influence that choice through the use of public assistance and specifically it ought not to seek to narrow the choice by reducing the variety that is presently available under existing State standards.

Second, I believe that the Federal child-care policy that we adopt should not discriminate against those families in which one parent chooses to remain at home to care for the children.

I spoke of my own upbringing. I realize that affords a straight line to many of my witty colleagues, but, as a matter of fact, I think I was not atypical.

I think that a great many of us learned a great deal from mothers and fathers, from grandmothers.

But since 1970, the number of women entering the work force with children has grown by over 20 percent. And it is a fact, like it or not, that, for a variety of reasons, we do have a majority of women of child-bearing ages in the marketplace and again I repeat that for most of them that is not really a matter of choice but too often a matter of economic necessity.

That is clearly true in the case of the single working parent whose choice is to remain home on welfare. And for those who have sought, instead, to draw a payroll, be on a payroll rather than on a welfare roll, they obviously must have the peace of mind and sense of security that their child is not only safe and secure but hopefully experiencing the kind of learning process that will contribute to the emotional as well as the physical growth of the child.

In order to assist families in which both parents work or those in which a single parent has chosen work rather than welfare, the dependent care tax credit which now exists provides these families with a credit worth $1,440 annually for child care costs. However, for those families in which one of the parents of two has sacrificed additional income to remain at home with the children to give that special kind of child care that I think really is available in no other way, there is no tax relief available.

The so-called at-home moms really do not enjoy the same tax benefit. At a time when families must face all manner of societal challenges—drug traffic in their streets, gang activity in their neighborhoods, other destabilizing elements—there is perhaps an even greater impetus than ever before for this kind of very personal familial care. I believe Congress should enact a policy which does not penalize those families in which one parent remains in the home to care for the young children. Rather, we should seek to encourage it.

Similarly, for that single parent, the working parent with young children, we must ensure that the present dependent care tax credit is a worthwhile benefit, one that actually gives some help. Now, I say that because, unless it is made refundable, to many parents, many single parents and low-income wage earners, we have a situation in which this credit simply is not useful because their tax liability is not sufficient so that they will derive real benefit from the credit.

In addition, many of these single-parent families do not have documentable child-care expenses which is a re-

quirement under the law for them to receive the dependent care tax credit.

Third, Mr. President, we should seek to increase the range of choices available to families rather than unncessarily restricting access to certain child care services through funding prohibitions and burdensome requirements.

Mr. President, during debate of the family and medical leave legislation last fall I spelled out what I felt to be some of the serious shortcomings of the ABC child care amendment that was offered at that time. One requirement contained within that measure was compliance with Federal standards. Standards were mandated and States were required to comply with those standards. And, indeed, whatever those standards might turn out to be after the regulations were adopted by a national commission having devised what the generalized prescription should be in every community across the land, in that instance, compliance was mandatory or there could be no Federal assistance.

Similarly, for single-parent families with young children there was not the kind of assistance that I think must be offered by a tax credit approach. Specifically, the ABC legislation that then was offered would have required the States and, more importantly, most publicly subsidized child-care providers to comply with those standards, including at the time training requirements for relatives, for neighbors.

Now, there is nothing wrong with standards. Obviously, we must have standards, but we must be very careful. As my friend from Oregon, the junior Senator from Oregon, pointed out yesterday in a very eloquent statement on this floor, we must see to it that we do not, in the name of imposing standards to assure quality, in fact, create such great burdens that we narrow the range of choice by narrowing the availability of child-care providers.

During testimony before the Senate Finance Committee recently and during my remarks on the floor last fall, I indicated that the effect of these burdens and requirements would necessarily be to increase child care costs for families and, even more significantly, a reduction in the range of those child-care choices for those families, which the amendment, ironically, of course, intends to assist, the working poor.

And again I thought my colleague from Oregon was most eloquent on this subject as he examined two studies, one by the New York Human Resources Administration and another by ABT from Cambridge, both of which found that we need to look very carefully at standards and at the burdens that we impose in the name of assuring quality through the imposition of standards.

Mr. President, if I am to understand the compromise legislation that is now before us, there is no longer a requirement for national standards. Instead, the States would be required to set child care standards and those standards would not be mandated to meet that national standard, but there would be recommended national standards and incentives would be offered to the States to meet a so-called model standard prescribed by an ad hoc advisory committee.

Mr. President, this is a step and it is a step that I applaud my colleague from Connecticut for taking. I believe it represents movement toward progress on a successful child care package. However, I have to say that I still have strong reservations about requiring States to set standards in very specific areas.

All the Members of this body share a concern that there be access to American life in the fullest sense of the word for those who are disabled. We have spent taxpayers' dollars to remove architectural barriers to provide access. And quite rightly so. We have sought to remove employment barriers for those suffering disabilities. And quite rightly so. Not only is that justice for those who, through no fault of their own, suffer some disability, but as talent scouts for American society, we need their talent.

But, Mr. President, I ask what sense it makes to prescribe, as a case in point, architectural barrier requirements for what will be a home-based child care center in which—to use Senator PACKWOOD's 28-year-old Susie, a neighbor who brings into her home three or four neighborhood children—what sense does it make to impose those requirements upon her if, in fact, the children that she will be taking care of are not disabled?

Under the compromise legislation before us, States would retain the right to set the level of their standards based upon their unique needs. But after 3 years, those States would be compelled to elect, to make a choice, between foregoing that incentive, as it is described, or meeting the recommended model standard, a national standard to receive additional assistance to serve a greater number of eligible families. That would be their choice. They would either do so or they would forego that bonus.

Mr. DODD. Will my colleague yield on that point?

Mr. WILSON. I will be pleased to yield.

Mr. DODD. That provision has already been changed in the substitute as well. There is no longer any differential.

Mr. WILSON. Well, if I am correct, I understand there is now a floor of 80 percent.

Mr. DODD. That is true.

Mr. WILSON. But, as I understand it, there is still a bonus offer?

Mr. DODD. No. That has been changed.

Mr. WILSON. Further progress has been made. I commend my friend from Connecticut.

According to the committee report, about 18 million children will be eligible for assistance under the ABC bill. The committee indicated that approximately 1 million children would receive direct assistance annually.

That figure may have changed because, as I understand it, the amount being authorized would be $1.75 billion with 70 percent of that funding being allocated to vouchers; that would be roughly $1.3 billion, which, divided by an average market cost of child care at $3,000, comes out to about half a million slots.

More importantly, the ABC bill would not adequately provide assistance to the majority of very low-income families with young children. The arithmetic that I have just gone through, I think, illustrates the point. The Bureau of Labor Statistics estimates that there are roughly 4 million children under age 5 who are members of families making less than $13,000 per year. If the ABC bill would serve 1 million children rather than the estimate of half a million that is directed by the reduction in authorization to $1.75 billion, if that were the case, then, according to the Bureau of Labor Statistics, with 4 million children under age 5 and only 1 million being served, why, then, nearly 3 million children from very low-income families would not receive assistance.

It is a rich program for a relatively few consumers.

A better approach, Mr. President, would be to offer a tax credit which can assist, if not fully pay for, the child care costs of a far greater number of eligible low-income parents.

Mr. President, this brings me to another point. Under the ABC bill, the funding distribution requirements are broadly defined. States must give a priority to "very low-income families," presumably those which I have just discussed, those whose income does not exceed 100 percent of the State median income and who choose services offered on a sliding fee scale.

The question then, Mr. President, that occurs in the context of this 1 million who will be provided for against a universe of need of 4 million is: How is the State to determine which parents, which child care consumers are to be the lucky few to receive that assistance?

Will we do it by lottery? What about the 3 million other children?

By enacting the ABC bill we are creating an environment in which low-income families will have to compete with their neighbors for limited Feder-

al assistance. That is the effect if not the intent. It is the effect at the end, if not a procedural process that is envisioned. Since the need for child care services will continue to grow, increasing pressure will be placed upon the States to meet demand. As a result, the States will be all but compelled to assist additional families through increased State funding or by applying for some further incentive grant. Strained State finances make it likely that the States will seek additional Federal funds.

My friend from Oregon expressed the view last night that those who backed the ABC legislation as it was presented last year have come to a point where they recognized the need for compromise to get half a loaf. But his expectation and mine is that their honest conviction is that what they sought to have introduced, what they sought to enact as law last year, will be their ultimate goal. They will continue to press for those standards that now, apparently, have been removed.

I think we we have to anticipate, as did the junior Senator from Oregon [Mr. PACKWOOD], that in subsequent sessions of the Congress we will see amendments proposed to make mandatory Federal standards which we have seen in prior versions of this legislation as mandates. We think that the kind of strained State finance that have infinite numbers of claims will, in fact, look to the Federal Government. That is a concern that he has. It is a concern that I have.

Our concern, ultimately, is that that hunger for dollars in order to accommodate the need for child care will, in fact, have the effect of reducing the variety of child care that is available because it will work through what will become mandatory State standards, if those who sought this legislation in its original form have their way.

Assuming that the National Advisory Committee on Recommended Child Care Standards were to choose the most stringent State models, that being those offered by the State of New York, child-care costs would inescapably escalate. I had a very ugly, if effective, chart which I presented in the Finance Committee hearings which made the point that only New York would meet the New York State standards. Other States would necessarily engage in marked increases in the cost of providing care to meet the New York State standards.

The junior Senator from Oregon yesterday, citing the two studies that I mentioned, took pains to point out that there was no evidence that more expensive child care—that provided by the so-called professionals who have been certificated, who have been given advanced degrees, who are paid far more than Senator PACKWOOD's 28-year-old Susie taking in three or four neighborhood children—provides, necessarily, the best child care. Nor even the best opportunity for a learning experience for the growth of those children.

But, under the scenario where we have, if not a subtle form of bribery, an incentive offered to make State standards meet the national recommended standard, ultimately the fact that it is recommended and not expressly mandated becomes a semantic difference rather than a substantive one. Under that scenario the winner would not be the American working family. They would be the real losers for the very simple reason, Mr. President, that that kind of policy would inevitably diminish the variety of child care available. And clearly, that was the intention of those who first offered the unchanged version of the ABC bill. Because, as you know, there was at that point an expressed, explicit prohibition against the provision of child care by a church-based organization.

There was an expressed requirement that only secular organizations could be engaged in the provision of child care which, had it continued to exist, I think, probably would have doomed this legislation. And for the very good and simple reason that it would have needlessly and wrongly eliminated about 40 percent of the available child care in this Nation and, incidentally, some of the most affordable child care, if you are looking at center-based child care rather than that provided in the home.

Mr. President, we must ask ourselves can we afford such a policy? Can we afford a policy that tends to reduce the variety and availability of child care; a policy that reduces choice for the ultimate consumer, the parent? A policy that does that is not, Mr. President, a policy which helps the majority that we are seeking to assist.

Should we support an ABC bill if there are more effective means, such as a tax credit, to provide assistance to all eligible families? And the answer is we should seek to provide some support to all eligible families, rather than having this lottery by whatever means that provides for a rich program for approximately one-quarter of the most low-income children in America.

The final principle that we should uphold in our concern to provide quality care for children is driven by the fact that Federal resources are limited, therefore, assistance must be targeted to low-income families with young children. For these families, the ability to provide child-care services is the most difficult. Federal child-care legislation must recognize this fact. It must target assistance to these families, those most in need.

Having outlined what I believe to be the core criteria which Congress should follow in developing a national child-care policy, let me discuss several concerns, concerns that I share with a number of colleagues, about this specific legislation before us, the ABC bill.

Simply stated, were it enacted in its present form, I believe the ABC bill will inevitably be limiting, not expanding, parental choice. It will have the effect of restricting, not expanding, access to existing child-care services. In addition, as discussed previously, the ABC bill filters scarce Federal resources through a very limited method of assistance—a child-care voucher, a system based upon prevailing market rates. That is why it is so expensive per unit cost; that is why it is a program for a very few, a rich program for a very few. It is sort of a Davis-Bacon child-care program.

In short, for the millions of families who must ask the question who will watch our children, the ABC bill does not offer the best solution. It restricts choice; it does not serve the universe of need; it leaves three-quarters of the most needy children without Federal assistance.

Does the ABC bill preserve parents' rights to choose the most appropriate care for their children? That is the most fundamental question, and the answer is, it does not. It will be said that it does, that nothing in this legislation restricts that choice. But that is inevitably not the case when you reduce the variety when those who are able to offer care under existing State standards can no longer do so.

Like President Bush, I believe a parent should be able to choose freely from the widest possible range of child-care services, but the ABC bill would prohibit parents from selecting a family-based child-care provider or their next door neighbor, for example, who currently meets existing State standards but who may not meet new State standards as, in fact, they evolve because the ABC bill urges them on to a national recommended standard.

It is the committee's analysis at page 31 of the committee report that low-income families have been forced to utilize informal services, by which they mean those provided by a neighbor; that they have been forced to utilize such services out of economic necessity. I think that is a premise that is, indeed, subject to challenge.

I would say that probably many have done so as a matter of choice because they know the provider and trust them. But if those families choose the very same child-care arrangement when provided by a fully paid voucher, then why should Congress seek to restrict that type of child care? It is because it is the policy of those who wanted the original ABC bill to force families to turn to "center-based care."

Mr. President, neither the Senator from Connecticut, my friend who has expended so much of his time and energy on this, nor I can say how long it would be before those who seek with a foot in the door to gain the beginning of a child-care policy that they hope to change. We can neither of us say how long it would be before change would occur, but it is the history of Federal programs that increasingly those who control the purse strings, those who dole out Federal assistance insist on more and more control substantively of the programs that they are funding.

I would say that I think we need to have a child-care bill in this 101st Congress. It was my hope we might even have made sufficient changes to have gained one in the 100th Congress, but it is also true that we should have the right kind of child care because, No. 1, we are faced with fiscal constraints but, No. 2, and really more important, we need to be very certain that as we begin with a legislated program, a program in which we set forward a policy that we seek very clearly and permanently to preserve the maximum possible choice by the parent, the ultimate consumer of child care, and yet I know there will be people who will vote for this legislation with the idea they will change it in future sessions.

Throughout this 2-year-long debate, a perception has developed that most States have not regulated the child-care industry. Indeed, I have spoken to proponents of the ABC bill who have told me that when told that, in fact, they have regulated, that the States have been in the business of prescribing some standards. Some have shrugged off those standards as inadequate. That has been their justification for instead requiring States to enact a significant number of standards under the guise of protecting our children, and the means by which they seek to do that is by tightening the purse strings. The truth is that every State in the Nation regulates the child-care industry.

Mr. President, I ask unanimous consent that two tables prepared by the Department of Labor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REGULATION OF CHILD CARE UNDER STATE LAW—FAMILY DAY CARE

State	Type of regulation	Minimum size to be covered	Maximum size before becoming group home or center	Number of children under age 2 permitted with 1 caretaker [1]	Preservice training required	Criminal/child abuse records checks		Inspections per year
						Criminal records checked	Child abuse registry checked	
Alabama	License	1	6	6	Yes	Yes	No	1.
Alaska	do	4	6	2 under 30 mo	No	No	No	1 per 2 yr.
Arizona	[2]	1	Not regulated	Not regulated	No	No	No	2.
Arkansas	License	6	16	Varies	No	No	No	3 to 4.
California	do	1	6	3 to 4	No	Yes	Yes	10 percent sample.
Colorado	do	1	6	2	Yes	Yes	Yes	33 percent sample.
Connecticut	do	1	6	2	No	Yes	No	1 per 2 yr.
Delaware	do	1	6	4	Yes	No	Yes	1.
District of Columbia	do	1	5	2	No	No	No	1.
Florida	License (county) Registration (State).	1	5	No limit	Yes	Yes	Yes	2.
Georgia	Registration	3	6	6	Yes	Yes	No	3 percent sample.
Hawaii	do	3	5	2	Yes	Yes	No	1.
Idaho [3]	License	Not regulated	4	2	No	No	No	1.
Illinois	do	4	8	3	No	Yes	Yes	1.
Indiana	do	5	10	No limit	No	No	No	1.
Iowa	Registration (voluntary)	1	6	4	No	Yes	Yes	20 percent sample.
Kansas	License	1	10	Varies	No	Yes	Yes	Unknown.
Kentucky	do	4	Varies with age	No limit	No	Yes	No	1.
Louisiana	None	Not regulated	Not regulated	Not regulated	No	No	No	0.
Maine	License or registration	3	12	3 to 4	No	No	Yes	1.
Maryland	Registration	1	6	2	No	No	No	1.
Massachusetts	do	1	6	2	Yes	Yes	No	Unknown.
Michigan	do	1	6	2	No	Yes	Yes	0.
Minnesota	License	1	10	3 (30 mo.)	Yes	Yes	No	Unknown.
Mississippi	do	6	15	Varies	No	No	No	2.
Missouri	do	5	10	2	No	Yes	Yes	2.
Montana	Registration	1	6	3	No	No	No	15 percent of sample.
Nebraska	do	4	8	2 to 4	No	Yes	Unknown	5 percent per month.
Nevada	License	5	6	4	Yes	Yes	No	4.
New Hampshire	do	3	6	3	Yes	Yes	No	3 per 2 yr.
New Jersey	License (voluntary)	Not regulated	Not regulated	Not regulated	No	No	No	1 per 3 yr.
New Mexico	License	5	12	2	No	Yes	No	2.
New York	do	3	6	2	No	No	Yes	1.
North Carolina	Registration	1	5	No limit	No	No	No	Unknown.
North Dakota	License	6	7 (4 under age 2)	4	No	No	Yes	2.
Ohio	do [4]	1	12	4 under 18 mo	No	No	No	2.
Oklahoma	do	1	5	No limit	No	No	No	4.
Oregon	do [4]	1	6	2	No	Yes	Yes	0.
Pennsylvania	Registration	4	6	4	No	Yes	Yes	20 percent sample.
Rhode Island	License	4	6	2	Yes	Yes	No	1 per 2 yr.
South Carolina	Registration [2]	1	6	3	No	No	No	0.
South Dakota	do [2]	1	12	No limit	No	No	Yes	1 to 12.
Tennessee	License	5	7	4	No	Yes	Yes	2.
Texas	Registration	4	12	Varies	No	Yes	No	0.
Utah	License	1	6	2 to 3	Yes	Yes	Yes	1 per 2 yr.
Vermont	License and Registration	1	6	2 to 3	No	No	No	2.
Virginia	License	6	9	4	No	No	No	2.
Washington	do	1	6	2	No	Yes	Yes	0.
West Virginia	Registration (voluntary)	1	7	No limit	No	Yes	No	1.
Wisconsin	License [2]	4	8	3 under age 1	Yes	No	No	Varies.
Wyoming	Registration	3	6	2	Yes	No	No	Do.

[1] Entries denoting a range in the number of children permitted are usually the result of State requirements concerning the mix of ages in the group and other factors.
[2] Arizona, South Carolina, South Dakota, and Wisconsin: Reportedly, only subsidized family day care is regulated.
[3] Idaho: Secondary source information available at this time is contradictory with respect to family day care licensing requirements for this State.
[4] Ohio and Oregon: Reportedly, family day care of fewer than 6 children is regulated only if subsidized.

Source: "The National State of Child Care Regulation 1986," by Owen Morgan, published by Work/Family Directions, Inc. This information consists of 1986 date.

REGULATION OF CHILD CARE UNDER STATE LAW-CHILD CARE CENTERS

State	Permitted age of entry	Child: Staff ratios [1]			Group size permitted [1]			Criminal/Child abuse records checks		Preservice training required			Health/first aid training required for staff		Inspctions per year
		Up to 1 yr. old	3 yrs. old	5 yrs. old	Up to 1 yr old	3 yrs. old	5 yrs. old	Criminal records checked	Child abuse registry checked	Directors	Teachers	Assistants	Health	First aid	
Alabama	3 weeks	6:1	10:1	20:1	6	10	20	Yes	No	Yes	No	Unknown	No	No	1.
Alaska	6 weeks	5:1	10:1	15:1	NR	NR	No	No	No	No	No	No	No	Yes	1 per 2 yrs.
Arizona	NR	5:1 or 11:2	13:1	13:1	NR	NR	NR	Yes	No	Yes	Yes	No	Yes	No	2.
Arkansas	6 weeks	6:1	12:1	18:1	NR	NR	NR	No	No	Yes	No	No	No	No	3–4.
California	NR	4:1	12:1	12:1	NR	NR	NR	Yes	Yes	Yes	No	No	No	No	1.
Colorado	6 weeks	5:1	10:1	15:1	10	NR	NR	Yes	Yes	Yes	Yes	No	No	Yes	1 per 2 yrs.
Connecticut	4 weeks	4:1	10:1	10:1	8	20	20	Yes	No	Yes	No	No	No	Yes	1 per 2 yrs.
Delaware	NR	5:1	15:1	20:1	NR	NR	NR	No	Yes	Yes	Yes	No	No	Yes	1.
District of Columbia	6 weeks	4:1	8:1	15:1	8	16	25	No	No	Yes	Yes	No	No	No	1.
Florida	NR	6:1	15:1	25:1	NR	NR	NR	Yes	Yes	Yes	No	No	Yes	Yes	4.
Georgia	NR	7:1	15:1	20:1	NR	NR	NR	Yes	No	No	Yes	Yes	No	No	4.
Hawaii	2 years	Under 2 prob.	16:1	20:1	NR	NR	NR	Yes	No	Yes	Yes	Yes	Yes	No	1–3.
Idaho	6 weeks	6:1	10:1	15:1	NR	NR	NR	Yes	No	No	No	No	No	No	1.
Illinois	3 months	4:1	10:1	20:1 or 30:2.	12	20	30	Yes	Yes	Yes	Yes	No	No	No	1.
Indiana	NR	4:1	12:1	15:1	8	NR	NR	No	No	Yes	No	No	No	Yes	3
Iowa	2 weeks	NR	NR	NR	NR	NR	NR	Yes	Yes	Yes	No	No	No	No	1.
Kansas	2 weeks	3:1	12:1 or 10:1.	14:1 or 12:1.	9	24 or 20	28 or 24	Yes	Yes	Yes	Yes	No	Yes	No	Unknown.
Kentucky	NR	6:1	12:1	15:1	NR	NR	NR	Yes	No	No	No	No	Yes	No	1.
Louisiana	NR	6:1	14:1	20:1	NR	NR	NR	No	No	No	No	No	No	No	1
Maine	6 weeks	4:1	10:1	10:1	12	NR	NR	Yes	No	Yes	No	No	No	No	1
Maryland	8 weeks	3:1	10:1	13:1	6	20	26	No	No	Yes	Yes	No	Yes	No	1
Massachusetts	NR	3:1 or 7:2	10:1	15:1	7	30	NR	No	No	Yes	Yes	No	Yes	Yes	Unknown.
Michigan	2 weeks	4:1	10:1	12:1	NR	NR	NR	Yes	Yes	Yes	No	No	Yes	No	1.
Minnesota	6 weeks	4:1	10:1	10:1	8	20	20	No	No	Yes	Yes	No	Yes	No	Unknown.
Mississippi	NR	5:1	14:1	20:1	NR	NR	NR	No	No	No	No	No	No	No	2.
Missouri	6 weeks	4:1	10:1	16:1	8	NR	NR	Yes	Yes	Yes	Yes	No	No	No	2.
Montana	NR	4:1	8:1	10:1	NR	NR	NR	No	No	Yes	Yes	No	Yes	No	1.
Nebraska	6 weeks	4:1	10:1	15:1	NR	NR	NR	Yes	N/A	Yes	Yes	No	No	Yes	2.
Nevada	NR	6:1	10:1	10:1	NR	NR	NR	Yes	No	Yes	Yes	Yes	Yes	Yes	4.
New Hampshire	6 weeks	4:1	8:1	15:1	8	NR	NR	Yes	No	No	Yes	Yes	Yes	No	3 per 2 yrs.
New Jersey	NR	4:1	15:1	NR	NR	NR	NR	No	No	Yes	Yes	No	Yes	No	1 per 3 yrs.
New Mexico	6 weeks	6:1	15:1	20:1	NR	NR	NR	Yes	No	Yes	No	No	No	Yes	2.
New York	8 weeks	4:1	6:1 or 7:1	8:1 or 9:1	8	18 or 14	24 or 18	No	Yes	No	Yes	No	Yes	No	1.
North Carolina	NR	7:1	15:1	25:1	14	25	25	No	No	Yes	Yes	No	No	Yes	3.
North Dakota	NR	4:1	7:1	12:1	NR	NR	NR	No	Yes	Yes	Yes	Yes	Yes	No	2.
Ohio	NR	6:1	12:1	14:1	12	24	28	No	No	Yes	Yes	Yes	No	Yes	2.
Oklahoma	NR	6:1	12:1	15:1	NR	NR	NR	No	No	Yes	No	No	No	No	4
Oregon	6 weeks	4:1	10:1	15:1	8	20	30	Yes	Yes	Yes	No	No	No	Yes	1.
Pennsylvania	NR	4:1	10:1	10:1	NR	NR	NR	Yes	Yes	Yes	Yes	No	No	Yes	1.
Rhode Island	6 weeks	4:1	15:1	20:1	4	15	25	Yes	No	Yes	Yes	Yes	No	Yes	1.
South Carolina	NR	8:1	15:1	25:1	NR	NR	Nr	Yes	No	Yes	No	No	Yes	No	Varies.
South Dakota	NR	5:1	10:1	10:1	20	20	20	No	Yes	Yes	No	No	Yes	No	1–12
Tennessee	NR	5:1	10:1	25:1	10	20	25	Yes	Yes	No	No	No	No	Yes	2.
Texas	NR	5:1 or 12:2	15:1 or 17:1.	22:1 or 24:1.	5 or 12	35	35	Yes	No	Yes	Yes	Yes	No	No	2.
Utah	NR	4:1	15:1	20:1	8	25	25	Yes	Yes	Yes	No	No	No	No	3.
Vermont	NR	4:1	10:1	10:1	8	20	20	No	No	Yes	Yes	No	No	Yes	2.
Virginia	NR	4:1	10:1	12:1	NR	NR	NR	Yes	No	Yes	Yes	No	Yes	No	2.
Washington	4 weeks	4:1	10:1	10:1	8	20	20	Yes	Yes	Yes	No	No	No	Yes	1.
West Virginia	NR	4:1	10:1	15:1	NR	NR	NR	Yes	No	Yes	No	No	Yes	No	1
Wisconsin	4 weeks	4:1	10:1	17:1	8	20	32	No	No	Yes	Yes	Unknown	Yes	No	Varies.
Wyoming	3 months	5:1	10:1	20:1	NR	NR	NR	No	No	No	No	No	No	Yes	1.

[1] Entries denoting more than one ratio or permitted group size, are usually the result of State requirements concerning the mix of ages in the group and other factors.

Notes: NR—Not regulated. N/A—Not applicable. NC—Not covered.

Source of Data: "The National State of Child Care Regulation 1986" by Gwen Morgan, published by Work/Family Directions, Inc. This information consists of 1986 data.

Prepared by: Division of State Employment Standards Programs, Office of State Liaison and Legislative Analysis, Employment Standards Administration, U.S. Departmnet of Labor, February 18, 1988.

(Mr. WIRTH assumed the chair.)

Mr. WILSON. The first of these two tables illustrates existing State standards for a family-based child-care provider—34 States licensed family day care and 15 register these providers. All States, with the exception of Arizona, Louisiana, and New Jersey have developed group-sized thresholds. All but six States inspect family day-care providers on a regular basis.

With regard to group-based providers, as illustrated in the second chart, all States, with the exception of Iowa, have established child/staff ratios, the number of individual adults to children being cared for. The majority require preservices training for providers and all conduct inspections on a regular basis. That statement relates to group-based providers.

Clearly a State child regulatory network already exists. The States have not felt it necessary to wait for Federal assistance. They have moved because they have had the need to do so and because they are not without the wits or the caring, the concern to devise programs that seem adequate to the needs of the parents who have sought that kind of child care at the State level. Therefore, we should weigh very carefully the costs and the benefits of imposing additional standards upon the States especially if our goals are to increase access to child-care services and to preserve parental choice in selecting the most appropriate care for children.

Mr. President, I say again, it should be the hand that rocks the cradle that makes that choice and not some well meaning Federal bureaucrat. Mr. President, I have outlined what I believe to be essential principles in a national child-care policy, what I believe to be the shortcomings of the ABC bill's approach in the context of those needed and essential principles.

In the days ahead I will outline what I believe to be a better alternative in amendment form, one which I hope the majority of my colleagues will support, one which will reflect the principles to which I have made reference today.

Mr. President, the debate that is occuring is a healthy one. It reflects a very great concern on the part of the Members of this body that we take the kind of action necessary to give the relief to parents, working parents, nonworking parents who have chosen to stay in the home to give child care, to afford to those who are differently situated some relief of an adequate kind because there is nothing more precious than America's children. It is the reason we undertake most of the legislative activity that brings to this floor.

So the debate could not be a healthier one, one long overdue. For that

reason I think it is terribly important that we have that debate fully, honestly, that we really look at the kinds of first principles that are necessary to have a successful child-care policy rather than simply another failed Federal good intention.

Mr. President, I say that not depreciating the sincere conviction and the very hard work that has brought the ABC bill to the floor. To the contrary, I have great admiration for my colleague from Connecticut in particular because he has given great leadership in this area. He has worked very long and hard. He has sought to be accommodating, and in fact it is the spirit of accommodation that has existed which makes me optimistic that we will in fact achieve child-care legislation of the right kind, of the kind that has been worth all the time and the effort and the healthy debate we are engaged in at this point.

I thank the Chair and at this point relinquish the floor.

Mr. DODD. Mr. President, first of all, I thank my colleague from California for his very kind and generous remarks regarding the legislative product before us, albeit a product that he has not endorsed 100 percent, but his recognition of support for much of what is in this legislation. I would like to make, if I could, a couple of comments regarding my colleague's speech.

I should first of all point out to him it is not just the Senator from Connecticut. The Senator from Utah is my principal cosponsor. I do not know of anyone who would want to challenge the conservative credentials of the distinguished Senator from Utah [Mr. HATCH]. As I have listened over the last 2 days, some would like to paint this product as somehow a liberal bill, the product of only a group of liberal Senators. They have not, I would add, looked at the list of cosponsors of the bill including my chief cosponsor, Senator ORRIN HATCH of Utah. Certainly he does not need any expressions of support in terms of his conservative credentials from the Senator from Connecticut, but nonetheless it is somewhat amusing to me there are those who would suggest somehow he has lost his credentials as a conservative because he supports the Act for Better Child Care. And go down the long list here of people who are cosponsors, many of whom clearly fall into the conservative column in this body. The issue here is not conservative or liberal.

I think the effort of those who would like to defeat this legislation is to frame the debate as if it were a liberal-conservative debate, but it is not a liberal-conservative debate. This legislation is the product of a lot of people who come from the Republican Party, the Democratic Party, who are liberals and conservatives and moderates, who have tried to fashion a piece of legislation that makes sense in terms of putting together a well-brought-out child care program for this country that deals with what is now recognized—and it has taken 2 years to get this, I might add—as three basic pillars of many child care program: to deal with the availability of child care, to deal with the affordability of child care, and to deal with the quality of that child care.

We are no longer debating whether or not that is the issue. Now we are debating about how best to achieve those goals, to achieve the best quality, the maximum availability, and to reduce the cost to the extent possible.

I clearly remember standing in the places over the last 2 years where you could not even get recognition of that, whether or not that was the debate. In fact, many argued that we did not need to do anything in the area of child care.

Now, some have suggested that the real motives of those of us who sponsor the ABC bill is to somehow mandate all sorts of programs, deprive families of choice, to crawl into the homes of Americans, lure their mothers out into the work force and steal their children and place them in a child-care center, some sort of abusive system somehow.

How ludicrous can you be? That because this bill reflects what normally goes on in a legislative product: debate, discussion, modification, and to impugn the intentions or the motives of those who have made some changes would be to suggest that those who oppose the ABC bill initially never have wanted to do anything about child care. I do not believe that.

I think those who have opposed child care legislation in the past have done so because they honestly believed the product before them could be better crafted. I do not question whether or not they wanted to do something in that area. And so for the other side to suggest somehow that because the product today is different than it was a year ago and that our real intentions are to do something terrible onerous and unfair to the American family is just unfair. Let me go into some specifics here if I can, briefly.

Mr. HATCH. Will the Senator yield?

Mr. DODD. I will be glad to yield to my colleague.

Mr. HATCH. I really have enjoyed my distinguished colleague's remarks. Of course, the subject is of much interest because I have supported this bill. But I have come to the conclusion that if it had not been for this bill we would not be here today. As a matter of fact, a year and a half ago, 2 years ago, when the distinguished Senator form Connecticut and I were trying to come up with an appropriate way of doing this, I am just asking my friend is it not true there was very little support for a child care bill on either floor of Congress? As a matter of fact, it did not look like we would ever get one up; it looked like we were going to be continually embroiled in a mess that would prevent any type of resolution of these problems. Does the Senator not think this is true?

Mr. DODD. My colleague from Utah is absolutely correct. I do not question the motives of people, but I always find it is somewhat intriguing that the very day we marked out of our committee a child care bill, within an hour all of a sudden there was a child care proposal out of the White House.

Yesterday we got to the floor with this package. All of a sudden there is a substitute. Where was the substitute 2 days ago, a week ago, a month ago? All of a sudden it emerges out of nowhere within a matter of hours after we get to the floor. I say my colleague is absolutely correct. It is somewhat intriguing to me that we find ourselves today with everyone coming to the floor. I do not find an opponent of child care.

Mr. HATCH. That is right. Will the Senator yield for a couple comments?

Mr. DODD. I am happy to yield.

Mr. HATCH. Not only do we not find an opponent, but everybody has a child care bill and everybody has a child care idea. I think that is healthy, and to be honest with you I have enjoyed the process. But what has really driven it has been the work done in our committee in forcing people to face this issue and the problems that are involved and the statistics and the down-home pain and anguish of people all over this country because they are worried about their children and they are worried about this country and they are worried about what is going to happen to these kids who are easy prey to the drug lords, the drug pushers, the pornographers, those who foster and foment juvenile delinquency. There are up to 15 million kids without any supervision at all.

What I am getting down to and what I would like to ask my colleague about, because I think it is important, the original bill which I was very critical of.

Mr. DODD. Correct.

Mr. HATCH. Because I thought it was too bureaucratic, too Federal Government-oriented; it did not take care of home care, religious problems—as a matter of fact, it seemed to be hostile to religious intentions. It did get out there and try to increase the availability of child care. As a matter of fact, it had pure Federal standards which some believe is nirvana but I believe the majority thinks is not really the way to go because we have different needs throughout different parts of the country.

But am I correct as the chief sponsor of this bill, that we have worked

on every one of these problems to try to solve them so we have a package that everybody can support across the board? Does the Senator not think I am correct?

Mr. DODD. My colleague from Utah is absolutely correct. I do not agree with the statement that the original bill was hostile to religious-based institutions because they provide the bulk of child care in the country, and in the legislation I initially and absolutely insisted that the religious-based institutions be included. There has been some change because of the question of what the States do. Many States have contracts or grants. Some provide direct assistance to the parents. We, because of what our colleagues have said, do not tell States what to do and do not mandate to States. We tried to recognize that distinction.

My colleague is correct. We have this bill because of the hearings, because of my colleagues' input, because our friend and our colleague from California has a bill, a child care bill. He is absolutely correct. His bill, much of it, incorporated in what is before us here, targets dollars to families of low and moderate incomes, States must establish standards in specific areas, $100 million in the liability risk retention group, revolving loan fund for family providers, makes dependent care credit refundable—those are all part of the legislation of the Senator from California, all of which are part of the Act for Better Child Care.

Mr. WILSON. If I may say so, I am coming to like the bill better.

Mr. DODD. Come on aboard.

Mr. HATCH. We think the Senator will enjoy it.

Mr. WILSON. I told my friend from Connecticut that I think he should be commended for seeking accommodation with those who have labored in the vineyard with it.

Mr. President, if I may just take 1 minute. My friend from Connecticut has been very, very patient. No one is depreciating the motives of anyone. Certainly, no one is depreciating the motives of the two men who are standing there on the floor. To the contrary, they have made very clear their concern. But what I think is clear is versions of the legislation have not indicated any different approach, and accommodation has been made.

Obviously some of us think still more accommodation needs to be made but I think really what we are concerned with here is that those who have testified in favor of the legislation have made it very clear that it is their honest conviction that a different approach should apply. I commend them for their conviction. We have disagreement on approach. It is not a matter of impugning anybody's motives. I do not think those who are approaching the thing in a different way seek to do any evil to anyone else.

Mr. DODD. I appreciate my colleague's comments.

Mr. WILSON. It is simply that the difference in approach is one that I think is clear from the different initial versions of ABC bill as indicated.

Mr. DODD. As I said to my colleague earlier—he may not have been in the Chamber at the time—I think there may be some point I suppose if someone wants to go back and visit what earlier versions look like, but what I sense somehow is that point is being used somehow to discredit the product in front of us. I say that because we seem to be—at least half the debate is—focused on what has existed in some prior bill. Unfortunately, in some cases, I get the feeling people have written the statements and then read the bill, the recent product, just submitted as of yesterday.

I do not question the fact because other people oppose our original bill that they were totally opposed to child care, and if they had their way there would never be any legislation in this area. That would be unfair. I think there are people who did support child care who are opposed to the ABC bill who did not buy every single piece of it at all. We have gone through a legislative process which is normally the way things are done here. I do not know what we have a committee structure for if you have the Republican minority leader, the Democratic chairman of the committee, spend 2 years working on a product, get the Governors' association, the National League of Cities, National Association of State Legislatures, business groups, labor groups, all across the country, we go out and do the work, we put together a product, we come to the floor, and we are told it is not good enough. All of a sudden there is a miraculous substitute. I do not understand what has happened to our process here if that process no longer works, that it does not make any difference when a very conservative Member of the Senate and a very liberal Member of the Senate, who can work together, come out with a product together, present it to our colleagues, and it is still not good enough.

Mr. HATCH. If the Senator will yield, I want to say to my distinguished friend from California, who, I think, has been one of the better leaders on this issue, frankly, we are not saying that the ABC part of this bill is all we want. We are happy to look at any tax credit program that the Senator cares to consider. I will say that the distinguished Senator from Connecticut has been open to anybody's suggestions from the beginning. That is why I get a little bit upset. I am not mad at the distinguished Senator from California because I watched him work. We have worked together. We have tried to resolve these problems. I know he will help in the end to resolve this one way or the other. If there is a further refinement, correction, improvement in the ABC bill, we are going to listen to him here on the floor. If he has a desire to change it, we will listen. We are open to these types of things.

What really irritates me is that some on my side of the floor, and especially some of our political persuasion, have gone off and used the old ABC bill as though it is the present bill on the floor. It is not. There is disinformation about that bill, about this bill, based upon that bill, all over the floor, all over the country, and some of it, I think, is deliberate. It bothers me a little bit because this bill has been drastically changed. Anybody who thinks that the tax credit approach is the sole approach that works does not look at affordability, does not look—it looks at affordability to a very modest degree—does not look at availability very carefully, and certainly is not looking at quality very carefully.

We have to take all three of these problems into consideration. That is why we think the ABC portion of this bill, which is a bulk portion of this bill, makes a lot of sense because it addresses all three major issues that are worrying parents to death. We also feel that if there is a way of coming up with a reasonable tax credit that will bind everybody together and get child care through the floor, we are certainly open to it, and interested in it.

Mr. WILSON. Mr. President, I thank my friends. I will take no more of their time.

I look forward to responding to the invitation from the Senator from Utah. I think we need to have a lengthy, at least a full, debate on the subject of the use of tax credits because I think it is a necessary tool that offers great promise. Properly amended, I think it can be not only affordable but it affords much greater choice.

I look forward to that debate next week. Both Senators have been generous this morning on that issue.

Mr. DODD. I thank my colleague.

Of course, as we have talked about California a little bit, Mr. President, I ask unanimous consent that an editorial from the Los Angeles Times dated May 16, 1989, be included in the RECORD along with a resolution, a joint resolution, adopted February 9, 1988, by the California State Legislature which strongly supports the ABC bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, May 16, 1989]

HELP THE CHILDREN NOW

Oregon Gov. Neil E. Goldschmidt last year went to Portland's City Club and ticked off what the assembled business and civic leaders must do together to give children a healthy start in school. He expected

a modest response. He got a standing ovation.

The people were ahead of him, he discovered. The people are ready to address children's issues in the 1990s. And the proposals are ready before the U.S. Congress and the California Legislature. Small programs are even in place here and there across the country. What is needed now is leadership to secure the money, votes and commitment to duplicate those demonstrated successes.

One of the most comprehensive proposals come from Rep. George Miller (D-Martinez), who chairs the House Select Committee on Children, Youth and Families. He and Rep. Henry Waxman (D-Los Angeles) are co-sponsoring a measure that emphasizes helping children early in life. Miller can point to report after report to buttress his case. For example, he says, "the Committee for Economic Development, composed of the leaders of Fortune 500 companies, estimates that each year's high school dropouts cost the country $240 billion in lost productivity and forgone taxes."

Miller's bill sets 1993 as a target to provide all impoverished pregnant women, their infants and children with health-care coverage under the Medicaid program. There would be a similar 1993 goal for complete coverage of those groups by the federal Women, Infant and Children nutrition program and for full immunization of all preschool children. Miller also wants appropriations increased for disabled preschool children and for ensuring an adequate vaccine supply.

His program is ambitious—and not as expensive as not acting. The first year of the four-year effort would cost $1.4 billion. In the long run, this investment in children's futures will save billions more than it will cost.

Congress must also pass and pay for a child-care bill. Not a tax credit, as President Bush proposes, but the kind of bill that creates new child-care spaces, helps parents pay for decent care, requires that safety standards be set and helps improve the training of child-care workers. The Act for Better Child Care, sponsored by Sen. Christopher J. Dodd (D-Conn.), is such a bill.

There also is much that can be done in California, where one out of every nine American children lives. Leaders of a California advocacy group, Children Now, report that only a small fraction of needy children here receive health checkups, preschool education and other preventive measures. Not only must state government devote more of its resources to children, it must not cut valuable programs like the Office of Family Planning or community mental health services. More, not less, must be done to help prevent child abuse and supervise children who must be placed in foster care. None of these programs can be expanded unless the Gann spending limit that straitjackets the state is lifted.

Ultimately, the issues of income and housing for poor families must be squarely addressed as well. All these tasks are made difficult by the fact that neither the United States nor California has any coherent policy on what should be done for children. President Bush could provide leadership by reporting each year on the tasks that remain.

But the real work is done on the local level with state money. A few counties and private agencies may lead the way to better coordination. For example, Ventura County has established a network that coordinates mental health, social services, corrections and special education programs to help treat all of a child's needs. Stuart House in Santa Monica, which helps abused children, brings together under one roof social workers, medical personnel and law enforcement agencies to reduce youngsters' trauma. The state could profit by these examples of coordination. Citizens need to get far more involved as well, by helping their local programs or working as Children Now does to push for a stronger state commitment.

The people are indeed ahead of their government on this issue. The children, the greatest resource for the nation's future, are ready, too. Where are the leaders?

ASSEMBLY JOINT RESOLUTION No. 62

Whereas, after food, shelter, and taxes, child care is the fourth highest family expense and ranges anywhere from $250 to $500 per month per child; and

Whereas, California's subsidized child-care program only meets the needs of 7 percent of low-income working families who are eligible; and

Whereas, there are at least 1.2 million children in California who have working parents in need of some child care, yet our state can only accommodate a portion of this need; and

Whereas, predictions show that within 10 years, the number of children under the age of six needing child care will increase by 50 percent; and

Whereas, the need for, and price of, child care will continue to rise; and

Whereas, experimental programs have proven that low-income children who have been enrolled in high-quality child-care programs develop higher levels of self-esteem, grow up to be more confident, and become productive adults and are less dependent upon social programs; and

Whereas, our congressional leaders have recognized the need for more affordable, better quality child care through House Bill 3660 and Senate Bill 1885, the Act for Better Child Care Services of 1987; and

Whereas, this act will provide $2.5 billion to help states supplement current child-care programs, resulting in $221 million for California; and

Whereas, the act will make funds available to increase the number of child-care openings, provide training and technical assistance to child-care providers, help local governments improve licensing standards, and help providers meet licensing standards; and

Whereas, the act has received bipartisan support and is supported by more than 150 national organizations; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully joins in support of House Bill 3660 and Senate Bill 1885, the Act for Better Child Care Services of 1987 and calls for its enactment; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States.

Mr. DODD. Mr. President, I lastly point out that there are a lot of data which our colleague from California has gone into, talking about the numbers of people who qualify or should qualify under the poverty rates and so forth. I would point out that under this bill as it is now amended about $170 million would go to the State of California if our bill is passed.

The cost, of course, to child care, just in San Diego County, as our colleague well knows, having been the former mayor of the city of San Diego, just the cost of child care in that county: infants 0 to 23 months, range between almost $4,000 to in excess of $6,000 a year; preschool to 5 years, range $2,700 to $5,000; school age over 5 years, $2,700 to $5,000 a year. So you get an idea of the cost of child care.

Then, of course, you look at where people are in terms of poverty and then you look at what the substitute would offer. The substitute would offer $500 to a family in poverty for child care costs. Then, of course, they do not have to spend the $500 on child care. The likelihood that some very poor person would get a $500 tax credit faced with a $3,000 to $5,000 a year cost is going to somehow immediately drop welfare and get into the work force to pick up that is I think totally unrealistic. I think that is the point some are trying to make.

We appreciate the fact there is some movement in that area. It is unrealistic to assume those kinds of costs people face in California—and those numbers are not, I would point out, terribly different than they are in Connecticut or elsewhere in the country—particularly when you do not insist that the credit be used for child care which I think we should, otherwise, it would end up for all sorts of things that may have nothing to do with that child or that family's basic needs at all. That can be presumptuous in some cases, but if we are trying to do something about child care, it seems to me we ought to target those tax credits as we do with the present child-care credits for child care use, rather than saying here is $500 for a child; go out and do with it what you will. That is a waste, in my view, when we are looking at fiscal problems in this country. I hope we would be able to target a couple of those proposals a little more carefully.

I see my colleague from Minnesota wants to get the floor. I want to make a couple additional points regarding our distinguished colleague from Texas, the chairman of the Finance Committee, who addressed this issue along with, of course, substantially, the part of the legislation that emanates from his committee, which is part of the majority leader's substitute. I want to commend the distinguished Senator from Texas. He, like many others, has had a very positive and sound effect on the Senator from Connecticut, his ideas and suggestions, on how I could make the Act for Better Child Care a better piece of legislation. I want to personally thank him for those suggestions. As he has

suggested here earlier today, what has come out of the Finance Committee and what we have produced in the Labor Committee, fit very nicely together. They complement one another, the two parts of this package.

The children's health credit, which has come out of the Finance Committee does relate directly, as the chairman of the Finance Committee indicated this morning, with child care, children who are not in proper child care, just nutrition alone, and my colleagues said we should not set standards. My Lord, we have the school lunch programs; we insist that kids in Minnesota and Connecticut get proper nutrition in a school lunch program.

Asking the States to develop a standard, their standard, on child nutrition is not asking too much. These are vulnerable kids who cannot speak for themselves. The failure to do that is one example of how a child's health can be adversely affected. His health care credit would go to all kinds of families, including those with mothers at home, so the child care health credit is an extremely important feature of this package.

When you get 13 million—almost 40 million uninsured people in this country are children. Here we are now going to provide some real relief to those children and their families, in terms of the premium costs, that is going to have a tremendous and positive impact on the whole question of the wellbeing of young children. So I highly commend the Finance Committee and, particularly, the chairman of the Finance Committee for including the children's health credit as a part of this package that is before us. I hope that our colleagues would support that particular aspect.

Unlike, of course, the proposal, alternative proposal being suggested to us, these particular child-care credits are targeted to address a critical need of poor families with children, improving the quality of their health care. So it is an extremely important add-on to the legislation, as was clearly explained by the distinguished chairman of the Finance Committee. Again, I commend him and his colleagues on the committee, both Democrats and Republicans, for including that as part of this.

My colleague from Utah and I find these are not matters we were directly involved in, but we see these aspects as being positive ones. So I applaud him for those efforts.

Last, Mr. President, I want to emphasize a couple of points again, regarding the standards question. I realize that no matter how often I say these things, no matter how clear it is in the legislation that is now before this body, there will be those who will want to disregard the facts because the speech has been written, the statements have been given, letters have been sent out; and no matter what has been done to change this bill, they want to still desperately hold on to what they would almost like.

I suspect what they are angry about is that I have not retained the provisions that they disagreed with before. They are sort of upset with me because I got rid of the provisions they did not like. They are angry that I have modified the bill to their satisfaction, but upset because it makes it more difficult to oppose it. I find the argument still coming in that this bill mandates standards for the States. Absolutely untrue, absolutely untrue. That has been changed entirely in this legislation. Or that somehow I am now prohibiting religious-based child-care centers from receiving assistance under this legislation. Patently false.

Senator FORD and Senator DURENBERGER have offered language which is now incorporated as part of this substitute offered by the majority leader. That issue is over with. I know it disappoints some of my colleagues, who would like desperately to argue that we are discriminating against religious-based child-care centers.

That is just not the case any longer. In a sense, I am sorry that you are disappointed. We have taken care of the concern you raised. It has been taken care of. They say that somehow that we have established a huge Federal bureaucracy. I will say this as clearly as I know how. There is not 1 single cent in this bill to establish a Federal bureaucracy—none, none. Not 1 single penny of taxpayer money is to establish an agency or establish some broad group of people that are going to somehow control the child-care agenda of this country.

This is a bill that sends those funds back to the States, back to local communities, directly to parents. The Federal Government is involved in this proposal only to the extent that we are coming up with the money to provide for it. We are proposing the money. But once the money is appropriated, once the tax credits are passed, those dollars go to the parents, to the States, and to the local communities. That is it.

Now, I do not know how more clearly I can say that. So I would hope that when these debates go on over the next few days, I do not have to stand up every time some opponent gets up and talks about those issues again. I do not mind people opposing the legislation, if they want to. I do not mind them being critical. All I ask is that they read the legislation, that they know what they are talking about, what the bill says, before they come over and start reaching back to the old file or some misguided statement that they picked up someplace and decided to make that the basis of a speech on the floor.

So I urge my colleagues to look at the legislation carefully, but, again, I make the point as clearly as I know how in the area of standards, the religious question in the bill, and on the costs. And I have had people talk about the bill, as a $2.5 billion bill. Read the bill. That bill has been cut in half in the last 48 hours. Again, I urge you to have some staff work done, so that before you come over to give the speech, know what is here and know what changes have been made.

Again, I have nothing but the highest commendation for my colleague from Texas who has added what I think are very important elements to the legislation. Again, I know my colleague from Minnesota has been anxious to be heard on this legislation.

On that point, I will yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I listened with interest, and I am glad I came in at a time to hear my friend from Connecticut talking about the new and revised ABC bill, which I have looked at in some detail. I am somewhat surprised to hear him say that there is not going to be any Federal imposition of Federal standards and Federal bureaucracy. It will be the first bill ever to go through here, spending this kind of money, that left without imposing a number of standards.

As I read his new, revised bill, in which the Senator from Utah joins, there are still plenty of requirements that are imposed on the States, so that I think that this bill indeed is going to do what he says it will not. It would establish quite a large Federal bureaucracy, and before we finish negotiating on this with the House, it may even grow some more.

I would say to my friend from Connecticut that the comparison of child nutrition standards and the School Lunch Program is not an appropriate one. In child nutrition programs, the Government is dealing with schools which deal with hundreds, sometimes thousands, of students at one time. That is very different from dealing with hundreds of thousands of home care providers who will care for three, two or even one child at a time, or perhaps for as many as eight or nine.

I also feel that this side of the aisle has not suddenly produced a substitute. Lots of child care bills have been up, including one that I have introduced, so that all of the options and all of the various elements to be considered have been before the Senate for quite some time. Of course, we are now packaging them somewhat differently and putting them together somewhat differently.

I admire the fact that the Senator from Connecticut and the Senator from Utah have joined forces. That certainly makes it more interesting. I am not sure that it makes the bill more credible because one is a conservative and one is a liberal.

I find that on various issues people are hard to track by liberal and conservative labels in this body. However, I admire the fact that both are on the bill. I admire the fact that both are so interested in child care, because it is a subject that does demand our attention and it is a subject on which some legislation should go forward.

I have taken a very practical approach to child care, as I do to most issues. There is not necessarily a liberal and conservative split on this issue, although I think if you compare the original ABC bill, to some of the other legislation, there is indeed a liberal and conservative split.

But we are all concerned about the availability and affordability of child care. I for one am very impressed with the need for parents to be able to make choices. The program we pass here must not impede the ability of parents to make choices in obtaining child care for their children. I also think it is enormously important not to burden the child care system of this country with additional Government regulation, if it can be avoided. Can it be avoided entirely? Absolutely not. I understand that.

But I still understand that of the child-care providers in this country, roughly 80 percent are now unregulated and kind of underground. Roughly 80 percent are people who perhaps are not paying taxes. About 80 percent of them are not licensed child-care providers.

I would submit to my friend from Utah and my friend from Connecticut that in the event we make child care more bureaucratic, that number is going to rise even above the 80 percent level. Fewer and fewer child-care providers will want to participate in the system or subject themselves to regulation, and we will succeed in driving more people underground and making the regulated part of child care, in my judgment, more expensive.

In preparing for this debate my office has held throughout Minnesota 60 to 80 hearings with child-care providers, parents, and people who are interested in the issue of child care. I have attended approximately a dozen of those hearings.

When it comes to child care, Minnesota is an unusual State. While we are the 21st State in population, in number of licensed child-care providers we are third. We have about 12,000 licensed child-care providers, 12,000 people who subject themselves to State regulations.

It is interesting to note their reaction to child care legislation. The bill I have authored is very different from the ABC bill, at least in its initial form, and certainly the ABC bill has come more my way, so to speak, but there is still a great deal of difference. Frankly, I thought that the child-care providers were going to go for the ABC approach. This is a program that seemed to shower money on the system. This is a program that talks in terms of billions of dollars. This is a program that I thought would provide a basis for growing child-care organizations around the country and therefore would be supported by them.

But interestingly the largest child-care association in Minnesota has endorsed the Boschwitz child care bill, in a State that is third only to California and Texas in the number of licensed child-care providers.

My approach to child care begins with the understanding that most child care originates not in a large setting, not in a setting where 60 or 80 or 100 children are taken care of, but in a home where a mother cares for her children and some other children from the area. She takes in children basically from her neighborhood or from among our friends to provide the family with a second income. Much child care also starts among relatives, among grandmothers, among aunts and uncles who decide they will take care of some other member of the family. It is to those people that I have tried to address my child-care legislation.

Most child care begins, and indeed ends, with a woman who wants to stay home with her own children and cares for some additional children to provide a second income for her family. That is the reality, and that is where we should direct our efforts, in order to make that kind of child care easier to achieve.

The State of Minnesota really has an exceptional child-care system, where there is a partnership among parents care providers, and the State. The care providers endorsed my bill because it provided for direct tax benefits that go directly to the parents or to the day-care provider. It has left regulation pretty much to the States themselves.

Minnesota child-care providers believe that if the Federal Government begins to set standards, their input into the systems will diminish or disappear.

The 12,000 Minnesota child-care providers feel that they will be able to have some input with the State legislature of Minnesota. They will be able to go to St. Paul and deal with those State legislators. But if we move the focus of the entire child-care system or the center of regulation to Washington, they feel, and correctly so, that they would lose their impact. They feel their ability to influence the outcome of the business in which they spend so much time is going to be diminished, and there is no question that they are correct.

That is why I want to keep the power, so to speak, close to the people. I want to give those people who are engaged in child care the ability to influence the events, to have an influence on the regulations that are to guide them.

Recently I stopped to ask for directions in the small town of Watertown, MN. I drove into somebody's yard, and the husband and wife were outside doing some gardening. It was a weekend day. She told me that she was a child-care provider and said that her first child arrived at 5 in the morning and her last child left at approximately 5:30 in the afternoon.

That is not an uncommon day. It is an early start, but it is not uncommon that day-care providers have their first child appear at 6 or 6:30 and their last child leave at the dinner hour. It is important that we do not complicate their lives unduly, that we do not suddenly make new provisions with respect to fire walls, new provisions with respect to so many square feet in a house for each child, new provisions with respect to how many children they can provide for within their house.

Reasonable standards indeed should be imposed, but child care is not something that has to be the subject of extensive regulation. Child care is not something for which there has to be books and guides written that will go into the hundreds and indeed thousands of pages in the event the Federal Government gets into it. That will certainly be the result of the Federal Government becoming the chief regulator or the supervisor of those who regulate child care.

My approach, therefore, is more basic and more practical. We provide tax credits for people who have their children in day care. We provide a refundable tax credit, so that the poor can indeed use that credit. Even if they do not owe any taxes, the working poor would still benefit from the credit.

Very frankly, I am willing to trust parents who obtain this tax credit to spend the money on their children. I do not think that the Federal Government should reach down into the family and say, "We want to develop a system that compels you to spend the money in a certain way."

The amount of regulation that is required to achieve that is such that I think it would threaten the integrity of the family, and I do not want to see that happen.

We have in our bill a number of other elements. We provide a refundable tax credit for those parents who use child care, and we have the earned income tax credit in addition for the

working poor. Under this approach, parents are eligible for a refundable tax credit for their child-care expenses and an earned income tax credit in the event that they have low income. So they will have the assistance of a refundable tax credit for child care and the incentive of an earned income tax credit to move them into the workplace.

In addition, my bill has a tax credit which the ABC and other bills normally do not have, a tax credit for the child-care provider. If that child-care provider has to make improvements in his or her home, we will give a 20-percent tax credit on those improvements, to a maximum credit of $1,800.

We also provide in our bill for an additional meal or snack under the child-care food program. The current child-care food program provides the child who stays at a person's house 8 hours or more two meals and a snack. Small children particularly have to eat quite frequently. We would provide for an additional meal or snack.

Part of my goal is to make the child-care food program more meaningful to child-care providers. The program is only available to licensed providers. A better child-care food program becomes an incentive for providers to become licensed, under State standards. The program can help encourage many of the 80 percent of providers who are now unlicensed to become licensed and take advantage of it.

We also have a latchkey program that would provide money for schools, so that in the event that a family needs to leave at 7 in the morning, there will be somebody at the school. In the event that the parents come home later at night, somebody would stay at the school with the child after the close of the school day.

We also have a program that supports child care at postsecondary institutions. Many times, single mothers have to go back to school in order to give them the education needed to earn a decent living. Child care is an important need for those mothers.

We even have a provision to expand library services. This funding would support bookmobiles that go to child care homes or centers on a regular basis and provide new reading materials. This would enrich the experience of the children in those kinds of licensed facilities.

So there are many ways, in my judgment, to provide better child care. My bill gives tax credits directly to the parents so that they have the choice, tax credits that go to the providers so that they can make improvements in their homes. It provides funding for important programs, as I have already described.

I take, Mr. President, a practical approach to child care. Once again, most child care starts with a mother who wants to stay home with her own children and decides that she not only want to stay home, but has to provide some income by taking other children into her home. How to preserve that system, how not to overregulate that system, how to preserve the choice on the part of the parents so that they can fit into this system easily, how to make the system the kind that will encourage child care providers to become licensed, that is the purpose of my bill. I think it achieves that.

I will be offering amendments to the bill before us here on the floor to try to achieve those ends. The time has come for child care legislation, and it demands the attention of the Congress of the United States. We will come through this debate, in my judgment, with a good bill, a sound bill that will help the children and parents of America.

I yield the floor.

Mr. HATCH. Mr. President, I have really enjoyed and appreciated the debate thus far. I think we have discussed this matter in a certain amount of detail in the last couple of days and I look forward to the debate next week.

I do have a couple of things I would like to say before we finish today. Several of my colleagues have commented on various provisions of the new ABC bill and I would like to respond to several of these criticisms.

As a matter of fact, I am sure we are going to be debating this bill over perhaps a number of days, but certainly next week and much more thoroughly. However, I would like to clear up some misunderstandings on a few points that have been made by some of our colleagues.

For instance, I was interested that one or more of them have indicated that they think the ABC bill, as currently drafted, is biased in favor of center care. Well, I agree that the previous bill, the original version of the ABC bill, was biased in favor of center-based care. But with the improvements that we have made, this is no longer the case.

First, we have added a loan fund solely to assist family-based providers. Family-based providers are the first choice of parents with infants. In fact, between 80 to 85 percent of all parents with preschool-age children prefer to have their children cared for in a home setting. So it was critical that our bill expand the availability of this particular option, and it does. We have changed the bill to encourage home-base care. So it is a very unjust criticism to state that it does otherwise.

Second, family-based child care providers have great difficulty being able to obtain and afford liability insurance. One family provider in Utah, one of our family providers, told me that her liability insurance costs her about $900 per year. Well, the ABC bill permits the States to establish liability insurance pools to address those needs.

I might add, the substitute amendment by the distinguished minority leader and Senator PACKWOOD have borrowed that concept, as well. In fact, almost everybody has borrowed that concept. But we have it in our bill, and it will work and help address the liability needs of the providers, especially the home providers.

Third, our bill permits child care certificates to be used for home-based care. So the ABC bill takes care of it from that standpoint.

Fourth, our bill not only permits the reimbursement for child care rendered by grandparents, aunts, and uncles. It also exempts relatives from any requirements for licensing or regulation, provided the State itself does not impose the requirement.

The bill does not require the same standards set for center-based care to apply to family-based care. Standards are to be appropriate for family-based child care.

One criteria for training, resource and referral programs is their outreach to and recruitment of family-based providers. Various support programs, including programs for substitute care givers are authorized.

So it is not only an oversimplification, it is an absolute, downright falsehood to indicate that the ABC bill as currently drafted is biased in favor of center care. I think we have more than adequately addressed that particular problem.

So all I can conclude is that our colleagues who have asserted this are very badly misinformed. I would certainly not accuse them of prevarication but they certainly are misinformed and I want to clarify that.

One of the criticisms that has arisen is about our new change in standards. And I might add, even the distinguished Senator from Minnesota, who has studied in light of the amendments even as late as yesterday on standards, I think, is still somewhat misinformed as to what our standards provision provides. They have a feeling that there is an ulterior motive for even having modest standards in the bill.

The Senator from Oregon, for instance, yesterday suggested that the model standards exist in order for liberals to put pressure on State legislatures to raise State standards to the level of model standards.

My response to the distinguished Senator from Oregon is: So what? I do not think it is our place to cut off debate within the States as to which standards they should or should not select, as long as they have the total, absolute control to accept whatever standards they want. The whole purpose of the model standards is to try

to set minimum standards that people should want to accept.

The fact that we do not require the States to accept any particular standards, model standards included, means that those who come up with the model standards, the advisory panel from back here, are going to have to be reasonable in those standards or the States will not adopt them. But I think as a practical matter we will find that States will voluntarily adopt them because they will be reasonable, modest and workable standards that will not be imposed upon them. They will voluntarily take them and that is the goal here.

So we addressed one of the most important issues that 95 percent of all parents are concerned with, and that is: What about the quality of care? And we do that in the ABC bill by listing six categories of what we would like them to do, one of which has, I think, six subcategories. I think anybody who looks at child care would say these are reasonable categories. Now the States can fill in what they want with regard to standards.

If the Senator from Oregon is correct that these model standards are the camel's nose under the tent and that Congress will eventually be asked to make them mandatory, then I will be the first in line to oppose such legislation. And the Senator from Connecticut knows that as well, and I think, although he might prefer a different approach, ultimately he has been super to deal with in trying to resolve what really has been the No. 1 problem to resolve with regard to the ABC bill.

Then, I might add, the Senator from Oregon is correct in one sense, the model standards are there to stimulate discussion and self-examination within the States with regard to the quality of child care provided or to be provided.

Let me just mention another one. Others have said on the floor, including the Senator from Oregon, that the ABC bill probably subsidizes secular day-care centers. Well, first, even in contracting situations, the subsidy provided for by the ABC bill is for the purpose of providing care to the children of low-income parents. It is not a benefit to the institution. It is to reimburse the institution rendering child-care services to children.

Second, States are not prohibited in any way from signing contracts with religious institutions. In fact, in many needy areas, both rural and urban, the church may be the only logical provider.

Third, churches currently provide a significant number of child-care slots. States are not so stupid as to ignore the potential of churches and synagogues to provide quality care. In fact, 30 to 40 percent of the child care being provided in our country today, is in an institutional church center.

Fourth, child-care certificates provided for under this bill permits parents to enroll their children with any licensed or regulated provider, including a religious one.

The Ford-Durenberger provisions which are already adopted in the Mitchell amendment that is currently being debated include—I might say in Senator MITCHELL's modification—and emphasize our intention not to exclude child care provided by sectarian institutions or to hamstring parents who want this particular option.

Another argument that they have used is that the ABC bill is discriminatory because two-parent, one-income families are taxed to provide child care for two-earner families. Well, under this reasoning, education programs, which expand taxpayer dollars, are equally discriminatory against citizens who do not have children. And I have heard those arguments through the year and they are what I would call phony arguments.

Working parents pay taxes on their incomes. While low-income families have limited tax liability, they are still contributing their taxes and their work product to the national economy. These services are not free if parents are working. Without child-care assistance, many of these low-income parents would be on welfare and guess who is going to pay for that. And that, of course, is free—I guess somebody would try to say.

So that is not a good argument and it is one that really is somewhat offensive.

Some critics have said that the quality of care cannot be measured quantitatively. I do agree with the distinguished Senator from Oregon that there is no way to measure caring or kindness on the part of child-care providers. I agree that a child-care worker's individual commitment to her charges—child-care workers are usually women—can sometimes compensate for a large group size or the lack of formal training. But I asked my colleagues and I put it to parents all over America who have entrusted their children to out-of-the-home child-care providers: Do you not think that parents need some assurance that their children are with adults who know basic first aid? Or who recognize chicken pox? Or who know how and have the means to put out an electrical fire?

Even meat is graded for quality by the USDA, and it seems to me we ought to be at least as concerned about children. Subjective measures of quality are important, but they will not help one adult get 20 toddlers out of a burning building. Objective standards have a purpose, too.

An argument that was made yesterday was the ABC bill would tax poor families to subsidize day care for the rich. Well, how do opponents of ABC come to this conclusion? Any family earning more than the State median income is ineligible for ABC benefits.

The Utah median income is $17,600. Do the opponents of the bill believe that is rich? At least my State, under the ABC bill, has the option of providing some help to the average Utah family on a sliding fee scale basis.

A tax credit that applies only to families below $13,000 is not going to help very much. In fact, it will hardly make a dent on the cost of child care which averages $3,000 per child in this country; hardly a dent on the total cost of child care.

If you add it up and look at it carefully, a tax credit only takes care of kids ages 1 to 4. And if you want to take credit for four kids, that means you have to have four kids under the age of 4, which is not very logical. It would be very unlikely to have three kids under the age of 4. But what happens to those from 5 to 12; or under our ABC bill as currently drafted, 5 to 16?

We may, before this is over, reduce that down a little bit. The fact of the matter is that it is a phony argument.

Another argument is that tax credits provide direct assistance without middlemen. "Without the middleman."

I say I like the tax credit approach but not as the sole approach to these problems. A tax credit also does not make hardly a dent in a family's actual child-care costs. Under the proposal to be offered by the distinguished minority leader, as advocated by Senator PACKWOOD—and I sincerely appreciate what he is trying to do here—a family would receive a maximum of only $500 additional credit for one child under 4, and $250 for each additional child under 4, and families with incomes over $13,000 would not be eligible. That would not even cover the least expensive child care for one child. A tax credit does not encourage additional child-care availability because the purpose of the credit is not specified. I am not saying it should be. But we cannot say that parents will have any additional choices of care. So to argue against ABC which does give additional choices for care, which does have appropriate standards, which does touch many more people, which includes children up to the age of 16, as currently drafted, which, of course, has all that the Dole substitute will have in it as far as the $400 million, it seems to me the ABC bill does an awful lot which the tax credit approach does not do.

I think the best way to solve this problem is to marry the two and put them into one bill. For those who believe that tax credits are the only answer to child care, we will put it in there. That is what the Bentsen proposal does. I suspect that is what the

President's proposal wants to do. But let us acknowledge that there is a place for the grant process, and we have carefully drafted it so that it is not an entitlement process, and we can say that the grant process makes a lot of sense, especially with the changes that have been made in the ABC bill.

In that regard, I have to particularly thank the distinguished Senator from Connecticut [Mr. DODD] and, of course, the distinguished Senator from Maryland [Ms. MIKULSKI]. The three of us have spent hour after hour after hour trying to resolve difficulties that would bring more and more people into support of the ABC bill. It is basically a very good bill.

If we add the tax credit component to it, in whatever form, none of us are going to cry about it. As a matter of fact, all of us have supported a refundable tax credit approach. So it is not that we are behind the curve on that either. We might prefer our own tax credit approach, but we know that there is enough desire on the part of certain people around here to have a tax credit approach added, that we can accept almost anything that will work and make sense. However, we would like it to be in a married bill so that you have the best of both worlds—you have a grant program plus you have the tax credit program.

With regard to the religious institution amendment, true, the tax credit would work better because you give the money directly to the parents but that does not necessarily mean it goes to child care, therefore, you do not run into the constitutional problems that you do through a grant program, but we have written the grant program with the Durenberger language so well, that we give maximum protection to religious institutions under the circumstances provided for in constitutional law, and that is about all we can do. It still does not negate the fact that it pays in some ways to look not only at affordability, but also availability and quality.

In this case, we reached all three. No tax credit approach that I have seen today reaches all three of those problems which every parent, every provider and everybody who is astute in this area says has to be done. Our bill does. I think our colleagues ought to take that into consideration.

There are a lot of other criticisms of the bill I would like to dispel right now, but I think I have taken enough time for today. We will get into it more next week.

I do not want to disparage the tax credit approach. I admire the people who want to do it. Both Senator DODD and I, including Senator MIKULSKI and others, are not adverse at all to a tax credit approach.

But let us understand how important the ABC approach is at this point. We have covered every problem through the years. We have been working on this, and I think we have done it in a way that should bring people in and cause them to want to support this bill.

You can find good arguments on both sides on both issues. I think if we marry them together, we will have the best of both worlds. Let us not disparage the ABC bill because we have worked too hard and know too much about this issue to think it does not have a noble perspective toward resolving some of the serious problems the families are facing in this country with regard to child care.

I want to again thank my distinguished friend and colleague for his leadership in this matter. Regardless of how it turns out, regardless of what happens, I have to say he deserves a great deal of credit for trying to do something to help in the child-care area. And regardless of how it turns out, I think he deserves a great deal of credit for the ultimate result. I commend him for it, and I just want to say how much I personally admire him.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First let me say I do not believe we have any more people on this side who wish to be heard on this issue today, and so I would anticipate the close of my remarks to note the absence of a quorum and then I guess the leadership will be coming to close out matters for today.

Before my colleague from Utah leaves, let me thank him once again for his kind comments. Some of our colleagues may have left to return to their respective States, but those Senators and their staffs who may have been listening the last 15 or 20 minutes, the remarks of the Senator from Utah are extremely important. I encourage all of our colleagues to read those comments if they have not heard them because he dispels in a very efficient and clear way the myths that persist and make this debate a difficult one, because we are still dealing, unfortunately, with arguments which no longer should exist. So I commend him for the clarity of his comments, taking to task the various arguments that have been raised.

Mr. President, as I understand it, we will resume debate on this matter late Monday morning or early Monday afternoon. I encourage colleagues who have amendments to this legislation to bring them forward on Monday, and even though under our agreement there will be no votes until after 5:30 p.m., it is highly likely that many of the amendments to be offered we can accept and will not require votes. So I strongly encourage colleagues on both sides of the aisle to put their amendments in order and then notify our respective staffs, the staff of Senator HATCH as well as my own, as to the content of those amendments and we will try if at all possible to accommodate our colleagues. It may not be possible, but if it is we would like to accommodate our colleagues.

So, Mr. President, on that note I again commend my colleague from Utah for his comments, for the clarity of his statement, and I also want to thank our colleagues from both sides of the aisle who did come to the floor today to express their views on this legislation, both pro and con. My hope is that we can get to the amendments very quickly on Monday and continue the debate and hopefully conclude the early part of next week.

Mr. President, I see my colleague from Colorado. I will yield the floor. At the conclusion of his remarks, unless someone else desires to speak, I will then note the absence of a quorum, after which we can conclude the business of the day.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. I thank the Chair. I have been in the chair for much of the debate the last couple hours and planned to comment on Monday, but I thought it was appropriate today to add some remarks in support of the legislation from other than authors of the legislation, the Senators from Connecticut and Utah, whom I think have done such a superb job maintaining the momentum of this legislation. We all know that without this kind of advocacy, things have a way of slowing down. But their efforts have brought before us a viable compromise.

We have listened this morning and this afternoon to a lot of misconceptions about what is in the bill. Some of those are valid because they are based, perhaps, on earlier drafts of the legislation. Some are not valid. I think the two sponsors of the legislation, especially the Senator from Utah, have been careful in pointing out where those misrepresentations have been made.

As one of the cosponsors of the Act for Better Child Care, I support this version as amended by Senator MITCHELL, which has received such broad bipartisan support in the Senate and in the House and the endorsement, as has been pointed out, of the National Governors Association and 137 other State and local organizations. The ABC bill is certainly the appropriate vehicle to ensure the long-overdue commitment to the well-being of our Nation's children, along with providing peace of mind to working parents that they have adequate options for their children to receive quality care.

As the number of families headed by single mothers increases and the economic status of two-parent families with children declines, more and more

mothers are entering the work force out of economic necessity. Often a mother's paycheck is all that stands between her family and poverty. In 1988 alone, more than 35 million children, or 60 percent of all children under the age of 18, lived in families in which both parents or the sole parent were in the work force. In addition, 56 percent of all mothers with preschool-age children worked outside the home.

With the realization that parents in the work force have become an economic reality, the need for quality child care becomes paramount. Unfortunately, our national supply is completely inadequate to meet the needs of the American family. A recent poll conducted by Marian Edelman and the Children's Defense Fund discovered that 74 percent of the working parents find it difficult to find quality child care at affordable prices, and 63 percent said there were not enough child care services to provide even for expected needs.

We must remember that one of the ways parents care for their children is by working to provide income. As a country, we must ensure that parents can afford quality child care in order to fulfill these responsibilities. In addition, we have to create a healthy supply of quality child care and never ask parents to enroll their children in anything less. I believe the ABC bill provides a comprehensive approach to meet these needs and am very proud to be a cosponsor of this important effort.

The legislation provides funds for direct financial assistance, targeted at low-income families, to select the form of child care that best meets their needs, as well as funds to help establish new, and expand existing, child care facilities. These are two critically important pillars of any comprehensive legislation.

In addition, the ABC bill works to enhance the quality of day care by requiring States to ensure that all providers required by the State be licensed, are so licensed. Recommendations for minimum national heatlh and safety standards will also be issued. Each State may use these recommendations when developing their own required standards. Let us remember that these standards are extremely important to assure parents that their children are being taken care of in an appropriate, careful, and professional fashion.

The ABC bill is an outstanding vehicle for establishing a comprehensive policy for child care involving a strengthened commitment by all levels of government, in addition to a more visible and vigorous private sector. In expanding child care, we will enhance the economic opportunity for the American family to move away from poverty and dependence on welfare toward economic self-sufficiency through education, training, and employment. The ABC bill is sound policy and a wise investment in our families and in our Nation's future. That commitment is one worth making and warrants our very broad support.

A final note, if I might, Mr. President. One of the most disturbing trends in the United States today is the growing gap between rich and poor. That gap has never been broader in America. Statistical abstracts are now showing that at no time in our Nation's 200-year history has the gap been so great and at no time has it accelerated more rapidly. One of the reasons for that is the people at the bottom end of the income scale simply do not have access to many opportunities. They do not have access to good education programs. They do not have access to reasonable job opportunities. They do not have access to all of those institutions that are necessary to make the American dream come true. It is that kind of access to which our Government should be committed.

We have a responsibility to do everything we can to provide every American individual with that access and that opportunity. We are not going to guarantee them anything. We are not going to guarantee them that they will have a particular job or are going to get A's in school, but we can make sure they have access and are given the opportunity to achieve. If they throw that opportunity away, that is the individual's responsibility. But we have an institutional responsibility to provide it. And maybe no place is that more important than for little kids.

We have found through the experience of the Head Start Program that the single best investment we have ever made in our society in terms of a broad education program is the Head Start Program. Now operating for more than 20 years, that program has been a superb track upon which very small children have flourished, and the evidence is very clear that those children who are involved in Head Start have done significantly better than those who have not.

That program was criticized when it was first passed. I was in Washington during the late 1960's when it happened. When that program first passed, we were going to be reaching in and grabbing children out of households, putting them in Communist-inspired classrooms; we were going to experience the Devil himself having an undue influence over these small children.

No one ever makes that argument today. Head Start has been an extraordinarily good program with results far beyond what anyone dreamed. ABC is taking that Head Start Program and, in effect, expanding it so that even more children have the opportunity, not only to have that kind of carefully put together child-care program, while allowing for their parents to provide for those kids.

Child care is more than just providing supervision and growth for our youngsters. Child care also means giving the parent the economic opportunity to allow that child to grow up and flourish and have opportunities for their future well-being. So this legislation has many implications.

We have an obligation to pass this bill, Mr. President, and I hope opponents will take the time over the weekend to read the carefully crafted compromise that has been put together, and analyze the very careful, and I thought, very balanced discussion of Senator HATCH. The Senator from Connecticut has done a wonderful job, but I was especially struck by how Senator HATCH came back over and over and over again and took all the arguments that remain and say they are no longer there or they do not make any sense.

I commend the distinguished senior Senator from the State of Connecticut for his good efforts. I am pleased to be a cosponsor of the bill. This is part of the obligation we have to provide opportunities to all Americans. Let us move this legislation and do so as rapidly as possible.

I thank the Chair. I yield the floor.

Mr. DODD. Mr. President, I thank my colleague from Colorado for his very kind and generous comments, but more important is the very unique element he adds to this debate, which has not been raised over the last 2 days, and that is the notion that child care not only provides opportunities for children but provides greater opportunities for parents as well, the opportunity for that AFDC mother to get off welfare as the welfare reform package is designed to. Our colleague from New York [Mr. MOYNIHAN] and others really did an excellent job on that legislation.

They provided child care for the year of training, and there is even some child care for the first year thereafter. Then it ends.

So in the sense of a cruel circumstance, if you can go through the training period, get the job, then lose the very thing that made it possible for you to get off the welfare, it would be tragic. In a sense we are trying to pick that up now and make it possible for that person to continue. I think that argument that has been raised by our distinguished colleague from Colorado is an extremely important one, one that really has not been raised in the last year or so of this debate.

We have been focusing on that child, how we create opportunities for that child, providing some help for the families, but really focusing on the opportunities for American families as

well to grow and become better families.

We all know historically what happens to the parent that works, that has a job, how much difference that economic independence can mean in terms of the loving care the children get if they are not preoccupied with the economic situation at home. The rates of alcoholism and unemployment just overlap. It seems so clear. There are so many cases of child abuse. The likelihood of a child being abused in a home with its unemployed parents or an employed parent head of household are just remarkable.

So all of those statistics seems to indicate we are broadening the opportunity here. I really do thank my colleague from Colorado for making that observation.

Again, I just underscore what he has said about our colleague from Utah who has left the floor now, but I really commend to our colleagues reading the fact and fiction discourse that our colleague from Utah gave this afternoon about some of the arguments that have been raised against this legislation.

At any rate, Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. Thank you, Senator DODD.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I now ask unanimous consent that there be a period for morning business during which Senators be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD TO REMAIN OPEN

Mr. DODD. Mr. President, I ask unanimous consent that the record remain open until 3:30 p.m. today for statements and the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1296. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on budget rescissions and deferrals dated June 1, 1989; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Agriculture, Nutrition, and Forestry; the Committee on Armed Services; the Committee on Banking, Housing, and Urban Affairs; the Committee on Commerce, Science, and Transportation; the Committee on Energy and Natural Resources; the Committee on Environment and Public Works; the Committee on Finance; the Committee on Foreign Relations; the Committee on the Judiciary; and the Committee on Labor and Human Resources.

EC-1297. A communication from the Secretary of Defense, transmitting, pursuant to law, the Interagency Net Assessment; to the Committee on Armed Services.

EC-1298. A communication from the Secretary of Energy transmitting, pursuant to law, energy targets for net imports, domestic production, and end use consumption of energy; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-163. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 11

"Whereas, The Medicare Catastrophic Health Care Act of 1988 abandons the traditional insurance financing principles of social security and Medicare; and

"Whereas, All Medicare beneficiaries will pay an escalated premium covering 37 percent of the new benefits; and

"Whereas, Approximately 44 percent of Medicare beneficiaries, or 14,300,000 persons will, under the act, pay an additional supplemental premium covering 63 percent of the cost of the new benefits; and

"Whereas, The supplemental premium cannot be used as an income tax deductible expense item; and

"Whereas, There is a growing dissatisfaction with the financing provisions of the act by the four million elderly in California; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Medicare Catastrophic Coverage Act of 1988 to restore the traditional insurance financing principles of funding the Medicare program; and be it further

"Resolved, That the act be amended to eliminate the discriminatory supplemental tax on federal income taxes to fund Part B coverage, the new prescription drug coverage, and other new coverages; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice Presidnt of the United States, to the Speaker of the House of Representatives, the Chairpersons of the House and Senate Committees on Aging, and to each Senator and Representative from California in the Congress of the United States."

POM-164. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION 248

"Whereas, under the present federal law, Section 1612(a) of the Social Security Act, elderly parents living with their children, in Hawaii, for example, must court their rooming privileges as "in-kind" income and lose some or all of their Social Security supplemental income; and

"Whereas, caring for elderly parents at home is a tradition and customary practice in Hawaii and may be considered a socially beneficial practice for all Americans, and such practice should be encouraged rather than penalized by our Social Security laws; and

"Whereas, a bill has been introduced in Congress to amend our present Social Security Act to provide that support and maintenance furnished in kind in the form of room or rent to any individual by an immediate family member shall be disregarded in determining the amount of the individual's Social Security benefits; and

"Whereas, if such measure were to be enacted it would in effect eliminate the penalty against our senior citizens who find living quarters amongst their family members and children: Now, therefore, be it

"Be it resolved by the House of Representatives of the Fifteenth legislature of the State of Hawaii Regular Session of 1989, the Senate concurring, That this honorable body hereby expresses support for the pending measure in Congress which would have the effect of Social Security penalty against our elderly recipients who live with their families; and

* * * * *

POM-165. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Foreign Relations:

"SENATE RESOLUTION 138

"Whereas, every country in the world, through the World Health Assembly, has set a common goal in which they are striving to eradicate the worst aspects of poverty in the world by the year 2000; and

"Whereas, the worst aspects of poverty include sub-standard health care, hunger, homelessness, and illiteracy; and

"Whereas, President Reagan in 1987 announced that the United States would support and assist in ending hunger in sub-Saharan Africa by the year 2000; and

"Whereas, in 1987, the president of the World Bank stated, "In the large poor countries of Asia, we wish to support government strategies to eliminate the worst aspects of absolute poverty in Asia by the year 2000"; and

"Whereas, the South Asian Association for Regional Cooperation has committed itself to achieving the following goals: providing universal immunization by the year 1990; and by the year 2000, providing universal primary education; adequate maternal and child nutrition; safe drinking water; and adequate shelter for all persons in the world; and

"Whereas, the United States through the Foreign Assistance Act of 1961 has committed itself to assisting "people in developing countries to eliminate hunger, poverty, illness, and ignorance"; and

"Whereas, the government of India has established the goal of eliminating absolute poverty in that country by the year 2000; and

"Whereas, currently before the United States Congress is the Global Poverty Reduction Act which requests the President of

the United States to establish a plan for the United States to assist in eliminating the worst aspects of poverty by the year 2000; and

"Whereas, this Act also sets the following goals to be achieved by the year 2000: an under-five mortality rate of 70 per cent; a female literacy rate of 80 per cent; and an absolute poverty level of not more than 20 per cent; now, therefore, be it

Resolved by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, That the United States Congress is respectfully urged to support the enactment of Global Poverty Reduction Act; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. Res. 13: A resolution to amend Senate Resolution 28 to implement closed caption broadcasting for hearing-impaired individuals of floor proceedings of the Senate (Rept. No. 101-54).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 147: An original resolution to authorize the Secretary of the Senate to discharge certain functions under chapter 37 of title 31, United States Code (relating to claims of or against the United States Government).

S. Res. 148: An original resolution relating to the purchase of calendars.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK:

S. 1196. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit to parents for dependents under age 6, and for other purposes to the Committee on Finance.

By Mr. EXON:

S. 1197. A bill to prohibit the payment of Federal benefits to illegal aliens; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. KASTEN):

S. 1198. A bill to amend title 17, United States Code to provide certain rights of attribution and integrity to authors of works of visual art; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. DASCHLE):

S. 1199. A bill to amend the Social Security Act to improve Medicare and Medicaid payment levels to community health clinics; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. ADAMS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BRADLEY, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. CRANSTON, Mr. DASCHLE, Mr. DURENBERGER, Mr. GLENN, Mr. INOUYE, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, Mr. ROBB, Mr. SANFORD, Mr. STEVENS, and Mr. WIRTH):

S.J. Res. 158. A joint resolution designating October 22 through 28, 1989, as "World Population Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 147. An original resolution to authorize the Secretary of the Senate to discharge certain functions under chapter 37 of title 31, United States Code (relating to claims of or against the United States Government); placed on the calendar.

S. Res. 148. An original resolution relating to the purchase of calendars; placed on the calendar.

By Mr. SIMON (for himself, Mr. BOSCHWITZ, Mr. BOREN, and Mr. DODD):

S. Con. Res. 47. A concurrent resolution expressing the sense of the Congress on multilateral sanctions against South Africa; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK:

S. 1196. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit to parents for dependents under age 6, and for other purposes; to the Committee on Finance.

TAX CREDIT FOR FAMILIES ACT

● Mr. MACK. Mr. President, we have begun debate on the child-care issue. The ABC bill is a big government, big bureaucracy bill that limits parental choices. I fundamentally disagree with this approach. The child-care problem is not so much a lack of affordable child-care opportunities. The real problem is that families are overtaxed. In 1948, a median-income family of four paid 2 percent of its income to the Federal Government in taxes. Today, a median-income family of four pays 24 percent of its income to the Federal Government in taxes.

For this reason, I am today introducing the Tax Credit for Families Act, a bill which I think is much more consistent with what the families of America want. This is the Senate version of the Holloway-Schulze toddler tax credit which has already received significant support in the House.

The appeal of this bill crosses partisan lines. Families all over the country want to make their own decisions about child care. My bill gives parents what they want: a tax credit freeing up income for appropriate child care of their choice.

The bill provides up to a $1,000 refundable tax credit for one child and up to a $2,000 refundable tax credit for two or more children for families to use in purchasing or providing care for their preschool children under 6 years old. And, unlike other proposals, not a single dollar is wasted on administrative costs. Every dollar is targeted to the children.

This bill is fair to all families, providing a solution which is controlled and administered by the parents. It does not penalize families who choose to care for their own children, as do other bills which require that both parents work. Instead, it extends tax benefits to both single and double income households.

While my bill targets its benefits to low-income families, it does not ignore the needs of middle-income families. For example, families earning $30,000 a year can claim a $700 per child tax credit.

The family, not government, is where responsible, equitable and nondiscriminatory child-care decisions should be made. This legislation gives more choice and more assistance to more families than any other proposal.●

By Mr. EXON:

S. 1197. A bill to prohibit the payment of Federal benefits to illegal aliens; to the Committee on the Judiciary.

PROHIBITING FEDERAL BENEFITS FOR ILLEGAL ALIENS

Mr. EXON. Mr. President, I rise to introduce legislation to prohibit the payment of direct Federal benefits to illegal aliens. This legislation will help deter illegal immigration and reduce unintended Federal spending.

In 1986, the Congress made good progress in the effort to control illegal immigration into the United States. By making it illegal to hire illegal aliens, the Congress removed one of the magnets for illegal immigration. Another powerful "magnet" still remains. That attraction to illegal immigration is the real or perceived availability of U.S. Government benefits to illegal aliens.

This legislation would establish a Governmentwide policy that direct Federal financial benefits not be paid to illegal aliens unless specifically provided by the Immigration and Nationality Act.

Over the years, the Congress has crafted ad hoc qualifications in Federal benefit statutes. At times, due to congressional inaccuracy or expansive court interpretations, these statutes have been used to provide Federal financial benefits to illegal aliens.

This situation has led to the payment of unemployment benefits, Social Security benefits, health care benefits and housing benefits to individuals who have no legal right to even be in the United States.

In an era of massive Federal deficits, even small instances of waste, fraud, and abuse cannot be tolerated.

The Federal Government must insure that limited Federal funds go to their intended beneficiaries. The Congress made good progress in requiring verification of status for certain entitlement programs and in authorizing the systematic alien verification for entitlement programs better known as the "save" program.

However, these steps contained in the Immigration Reform and Control Act of 1986 can only be as effective as the interpretations of the various underlying benefit statutes.

I expect the opponents of this legislation to ask for sympathy for the illegal aliens who have come to depend on the generosity of Uncle Sam.

They will certainly cite some compelling stories about illegal aliens in unfortunate situations. I am most sympathetic. However, there are stories as dire and compelling among our own citizens.

When our Nation is facing large Federal deficits and the constraints of the Gramm-Rudman law, Federal dollars paid to an illegal alien, sympathetic or otherwise, are literally dollars taken away from one of our own citizens.

This legislation gives the Congress an opportunity to set the record straight in a comprehensive manner. This measure is both a means to control illegal immigration and means to control budget deficits. Without the real or perceived attraction to Federal benefits, illegal immigration will be deterred. Without the seepage of benefits away from intended beneficiaries, money will be saved.

I introduced this legislation in the last Congress. The Senate Judiciary Committee held a hearing on this bill. It is long past time that this problem be corrected. I am hopeful that this legislation can be passed as a free-standing bill; however, I am prepared to offer this legislation as an amendment to an appropriate immigration or spending measure.

Simply put, Mr. President, this legislation states that Federal benefits should not go to those who are in the United States illegally. If my colleagues feel as I do, that taxpayer's dollars should not go to illegal aliens, I ask them to join me in support of this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—That on or after the date of enactment of this act, notwithstanding any other provision of law, no direct Federal financial benefit or social insurance benefit may be paid or otherwise given to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act as amended.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment benefits.

(c) DEFINITION.—For the purposes of this act, the term "person not lawfully within the United States" shall be any person who at the time he or she applies for, receives, or attempts to receive such Federal financial benefit is not a United States citizen, a United States national, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status.

By Mr. KENNEDY (for himself and Mr. KASTEN):

S. 1198. A bill to amend title 17, United States Code, to provide certain rights of attribution and integrity to authors of works of visual art; to the Committee on the Judiciary.

VISUAL ARTISTS RIGHTS ACT OF 1989

● Mr. KENNEDY. Mr. President, I am pleased to reintroduce the Visual Artists Rights Act. The bill will establish long-overdue rights for America's visual artists.

I believe that the Federal Government has a responsibility to provide leadership in the arts and to ensure a lively climate in America that will enable creative men and women to pursue careers and livelihoods in the arts. The Visual Artists Rights Act of 1989 will help the Federal Government fulfill that responsibility. It will guarantee the integrity and attribution rights of fine artists.

Nearly 70 countries around the globe protect artists' authorship rights and the integrity of creative works. Still, the United States permits any individual to maliciously mutilate or destroy a work of art without fear of any sort of reprisal. Without these protections, cultural properties have been irretrievably damaged. Congress can no longer overlook its responsibility to safeguard the Nation's artistic heritage.

In the last Congress, the Judiciary Committee took a careful look at this legislation and endorsed it. Compromise language was agreed to which protects legitimate interests of museum and curatorial work. Further limitations were included to clarify the scope of the legislation to address only the unique circumstances of fine art creative works of painters and sculptors. Also, appropriate exemptions have been included to treat work that is attached to buildings. In this year's bill, we have added protection for fine art photography, a very limited class of still photographic images produced for exhibition purposes in galleries and museums.

A second provision of the bill will require that the Registrar of Copyrights and the Chair of the National Endowment for the Arts shall jointly conduct a study to evaluate the feasibility of new initiatives that would permit visual artists to share in the financial appreciation of his or her work after its first sale. The study will provide much needed empirical data to guide Congress in future legislative initiatives to ensure that artists realize a fair profit from their work.

This bill addresses a narrow and specific problem—the mutilation and destruction of works of fine art which are often one-of-a-kind and irreplaceable. Over the past three Congresses, I have worked with the copyright community to craft a precise bill that does not inadvertently affect other copyrighted works. I look forward to speedy approval by the committee and the full Senate, without changes that would upset this delicate balance.

President Kennedy observed that—

To further the appreciation of culture among all the people, to increase respect for the creative individual, to widen participation by all the processes and fulfillments of art—this is one of the fascinating challenges of these days.

It remains today an exciting challenge and I look forward to working with my colleagues here in the Senate to reaching that goal.

I ask unanimous consent that the full text of the bill be inserted at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Visual Artists Rights Act of 1989".

SEC. 2. WORK OF VISUAL ART DEFINED.

Section 101 of title 17, United States Code, is amended by inserting after the paragraph defining "widow" the following:

"A 'work of visual art' is a painting, drawing, print, sculpture, or still photographic image produced for exhibition purposes only, existing in a single copy, in a limited edition of 200 copies or fewer, or, in the case of a sculpture, in multiple cast sculptures of 200 or fewer. A work of visual art does not include—

"(1) any version that has been reproduced in other than such limited edition prints or cast sculptures;

"(2)(A) any poster, map, globe, chart, technical drawing, diagram, model, applied art, motion picture or other audio visual work, book, magazine, periodical, or similar publication;

"(B) any merchandising item or advertising, promotional, descriptive, covering, or packaging material or container;

"(C) any portion or part of any item described in subparagraph (A) or (B);

"(3) any work made for hire;

"(4) any reproduction, depiction, portrayal, or other use of a work in, upon, or in any connection with any item described in paragraph (1), (2), or (3); or

"(5) any work not subject to copright protection under section 102 of this title.".

SEC. 3. RIGHTS OF ATTRIBUTION AND INTEGRITY.

"(a) RIGHTS OF ATTRIBUTION AND INTEGRITY.—Chapter 1 of title 17, United States Code, is amended by inserting after section 106 the following new section:

"§ 106A. Rights of certain authors to attribution and integrity

"(a) RIGHTS OF ATTRIBUTION AND INTEGRITY.—Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art—

"(1) shall have the right—

"(A) to claim authorship of that work, and

"(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

"(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work as described in paragraph (3); and

"(3) subject to the limitations set forth in section 113(d), shall have the right—

"(A) to prevent any distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional or grossly negligent distortion, mutilation, or modification of that work is a violation of that right, and

"(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

In determining whether a work is of recognized stature, a court or other trier of fact may take into account the opinions of artists, art dealers, collectors of fine art, curators of art museums, conservators of recognized stature, and other persons involved with the creation, appreciation, history, or marketing of works of recognized stature. Evidence of commercial exploitation of a work as a whole, or of particular copies, does not preclude a finding that the work is a work of recognized stature.

"(b) SCOPE AND EXERCISE OF RIGHTS.—The author of a work of visual art has the rights conferred by subsection (a), whether or not the author is the copyright owner, and whether or not the work qualifies for protection under section 104. Where the author is not the copyright owner, only the author shall have the right during his or her lifetime to exercise the rights set forth in subsection (a).

"(c) EXCEPTIONS.—(1) The modification of a work of visual art which is a result of the passage of time or the inherent nature of the materials is not a destruction, distortion, mutilation, or other modification described in subsection (a)(3) unless the modification was the result of gross negligence in maintaining or protecting the work.".

"(2) The modification of a work of visual art which is the result of conservation is not a destruction, distortion, mutilation, or other modification described in subsection (a)(3) unless the modification is caused by gross negligence.

"(d) DURATION OF RIGHTS.—(1) With respect to works of visual art created on or after the effective date set forth in section 10(a) of the Visual Artists Rights Act of 1989, the rights conferred by subsection (a) shall endure for a term consisting of the life of the author and fifty years after the author's death.

"(2) With respect to works of visual art created before the effective date set forth in section 10(a) of the Visual Artists Rights Act of 1989, but not published before such effective date, the rights conferred by subsection (a) shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106.

"(3) All terms of the rights conferred by subsection (a) run to the end of the calendar year in which they would otherwise expire.

"(e) TRANSFER AND WAIVER.—(1) Except as provided in paragraph (2), the rights conferred by subsection (a) may not be waived or otherwise transferred.

"(2) After the death of an author, the rights conferred by subsection (a) on the author may be exercised by the person to whom such rights pass by bequest of the author or by the applicable laws of interstate succession.

"(3) Ownership of the rights conferred by subsection (a) with respect to a work of visual art is distinct from ownership of any fixation of that work, or of a copyright or any exclusive right under a copyright in that work.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 106 the following new item:

"106A. Rights of certain authors to attribution and integrity.".

SEC. 4. REMOVAL OF WORKS OF VISUAL ART FROM BUILDINGS.

Section 113 of title 17, United States Code, is amended by adding at the end thereof the following:

"(d)(1)(A) Where—

"(i) a work of visual art has been incorporated in or made part of a building in such a way that removing the work from the building will cause the destruction, distortion, mutilation, or other modification of the work as described in section 106A(a)(3), and

"(ii) the author or, if the author is deceased, the person described in section 106A(e)(2), consented to the installation of the work in the building in a written instrument signed by the owner of the building and the author or such person,

then the rights conferred by paragraphs (2) and (3) of section 106A(a) shall not apply, except as may otherwise be agreed in a written instrument signed by such owner and the author or such person.

"(B) An agreement described in subparagraph (A) that the rights conferred by paragraphs (2) and (3) of section 106A(a) shall apply shall not be binding on any subsequent owner of the building except where such subsequent owner had actual notice of the agreement or where the instrument evidencing the agreeing was properly recorded, before the transfer of the building to the subsequent owner, in the applicable State real property registry for such building.

"(2) If the owner of a building wishes to remove a work of visual art which is a part of such building and which can be removed from the building without the destruction, distortion, mutilation, or other modification of the work as described in section 106A(a)(3), the author's rights under paragraphs (2) and (3) of section 106A(a) shall apply unless—

"(A) the owner has made a diligent, good faith attempt without success to notify the author or, if the author is deceased, the person described in section 106A(e)(2), of the owner's intended action affecting the work of visual art, or

"(B) the owner did provide such notice by registered mail and the person so notified failed, within 90 days after receiving such notice, either to remove the work or to pay for its removal.

If the work is removed at the expense of the author or the person described in section 106A(e)(2), title to that fixation of the work shall be deemed to be in the author or such person, as the case may be. For purposes of subparagraph (A), an owner shall be presumed to have made a diligent, good faith attempt to send notice if the owner sent such notice by registered mail to the last known address of the author or, if the author is deceased, to the person described in section 106A(e)(2).

"(3) The Register of Copyrights shall establish a system of records whereby any author of a work of visual art that has been incorporated in or made part of a building, or persons described in section 106A(e)(2) with respect to that work, may record their identities and addresses with the Copyright Office. The Register shall also establish procedures under which such authors or persons may update the information so recorded, and procedures under which owners of building may record with the Copyright Office evidence of their efforts to comply with this subsection.".

SEC. 5. PREEMPTION.

Section 301 of title 17, United States Code, is amended by adding at the end the following:

"(f)(1) On or after the effective date set forth in section 10(a) of the Visual Artists Rights Act of 1989, all legal or equitable rights that are equivalent to any of the rights conferred by section 106A with respect to works of visual art to which the rights conferred by section 106A apply are governed exclusively by section 106A and section 113(d) and the provisions of this title relating to such sections. Thereafter, no person is entitled to any such right or equivalent right in any work of visual art under the common law or statutes of any State.

"(2) Nothing in paragraph (1) annuls or limits any rights or remedies under the common law or statutes of any State with respect to—

"(A) any cause of action from undertakings commenced before the effective date set forth in section 10(a) of the Visual Artists Rights Act of 1989; or

"(B) activities violating legal or equitable rights that are not equivalent to any of the rights conferred by section 106A with respect to works of visual art.".

SEC. 6. INFRINGEMENT ACTIONS.

"(a) IN GENERAL.—Section 501(a) of title 17, United States Code, is amended—

(1) by inserting after "118"; the following: "or of the author as provided in section 106A(a)"; and

(2) by striking out "copyright." and inserting in lieu thereof "copyright or right of the author, as the case may be. For purposes of this chapter (other than section 506), any reference to copyright shall be deemed to include the rights conferred by section 106A(a).".

(b) EXCLUSION OF CRIMINAL PENALTIES.—Section 506 of title 17, United States Code, is amended by adding at the end thereof the following:

"(f) RIGHTS OF ATTRIBUTION AND INTEGRITY.—Nothing in this section applies to infringement of the rights conferred by section 106A(a).".

(c) REGISTRATION NOT A PREREQUISITE TO CERTAIN REMEDIES.—(1) Section 411(a) of title 17, United States Code, is amended in the first sentence by inserting after "United States" the following: "and an action

brought for a violation of the rights of the author under section 106A(a)".

(2) Section 412 of title 17, United States Code, is amended by inserting "an action brought for a violation of the rights of the author under section 106A(a) or " after "other than".

SEC. 7. STATUTE OF LIMITATIONS.

Section 507(b) of title 17, United States Code, is amended by adding at the end the following: "For purposes of an action brought for infringement of the rights under section 106A(a) of an author of a work of visual art, the claim accrues when the author (or person described in section 106A(e)(2), as the case may be) knew or should have known of the violation of the author's rights under section 106A(a).".

SEC. 8. FAIR USE.

Section 107 of title 17, United States Code, is amended by striking out "section 106" and inserting in lieu thereof "sections 106 and 106A".

SEC. 9. STUDY ON RESALE ROYALTIES.

(a) IN GENERAL.—The Register of Copyrights, in consultation with the Chair of the National Endowment for the Arts, shall conduct a study on the feasibility of implementing—

(1) a requirement that, after the first sale of a work of art, a royalty on any resale of the work, consisting of a percentage of the price, be paid to the author of the work; and

(2) other possible requirements that would achieve the objective of allowing an author of a work of art to share monetarily in the enhanced value of that work.

(b) GROUPS TO BE CONSULTED.—The study under subsection (a) shall be conducted in consultation with other appropriate departments and agencies of the United States, foreign governments, and groups involved in the creation, exhibition, dissemination, and preservation of works of art, including artists, art dealers, collectors of fine art, and curators of art museums.

(c) REPORT TO CONGRESS.—Not later than 28 months after the date of the enactment of this Act, the Register of Copyrights shall submit to the Congress a report containing the results of the study conducted under this section, and any recommendations that the Register may have as a result of the study.

SEC. 10. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b) and except as provided in subsection (c), this Act and the amendments made by this Act take effect 6 months after the date of the enactment of this Act.

(b) APPLICABILITY.—The rights created by section 106A of title 17, United States Code, shall apply to works created but not published before the effective date set forth in subsection (a), and to works created on or after such effective date, but shall not apply to any destruction, distortion, mutilation, or other modification (as described in section 106A(a)(3) of such title) of any work which occurred before such effective date.

(c) SECTION 9.—Section 9 takes effect on the date of the enactment of this Act.●

● Mr. KASTEN. Mr. President, I rise today in support of S. 1198, the Visual Artists Rights Act of 1989.

The Constitution of 1787 declared the following:

The Congress shall have the power * * * to promote the progress of Science and useful Arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discovers.

Today, more than 200 years later, the rights of one of our Nation's most important groups of inventors remain at risk. It is time Congress exercised its power to promote and secure the rights of America's visual artists.

The Federal Government has a responsibility to provide leadership in the arts and to ensure a lively climate in America that will enable men and women to pursue their art.

A very important part of the omnibus trade bill was the protection of U.S. intellectual property rights abroad. Can we in good conscience fail to protect the rights of visual artists right here at home?

This is an important and necessary bill to provide rights of integrity and attribution to visual artists. Works protected by this bill are one of a kind or very limited editions. When these works are altered or destroyed, they are gone—forever. We have a duty to protect them.

During the last Congress this legislation was carefully reviewed. Compromise language was agreed to which protects legitimate interests of museum and curatorial work.

Today there is no guarantee that the owner of a fine work of art will protect the integrity of that art. We have all heard the horror stories about paint being removed from sculpture, murals painted over, paintings altered. We have to commit ourselves to the fundamental premise that even when an artist has sold his work he has the moral and legal right to see the integrity of that work preserved.

This bill will require the Registrar of Copyrights and the Chair of the National Endowment for the Arts to study the feasibility of an artist sharing in the financial appreciation of their work after its first sale. The study will provide much needed data to guide Congress in future legislative initiatives to ensure that artists realize a fair profit from their work.

It is time we protect the creative skills of artists. I am proud to be an original cosponsor of this legislation introduced by my colleague from Massachusetts. I urge my colleagues to support this initiative.●

By Mr. CHAFEE (for himself, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. DASCHLE):

S. 1199. A bill to amend the Social Security Act to improve Medicare and Medicaid payment levels to community health clinics; to the Committee on Finance.

COMMUNITY HEALTH CLINIC IMPROVEMENT ACT

● Mr. CHAFEE. Mr. President, I am introducing the Community Health Clinic Improvement Act, legislation which would reform the reimbursement under Medicare and Medicaid for community health clinics. I am joined in this effort by Senators BRADLEY, MOYNIHAN, and DASCHLE.

We face extraordinary problems in our health care system today. The number of Americans, especially children, without insurance coverage, and therefore, without access to services has been growing in the past few years. Something is desperately wrong in a country where we spend more than $500 billion per year on a health care system that does not even come close to being comprehensive, and fails to reach far too many.

The focus of our system is on high-technology care, mostly for people who are already sick. There is a decided lack of emphasis on preventive and primary care services. This results from the mistaken notion that people can afford prevention and primary care, but not acute care. This is not true—not for the working poor, not for the unemployed, and not for low-income families.

It seems to me we have been neglecting an important, and perhaps critical, resource in our fight to improve services and access: community health centers. Over the years, I have come to the conclusion that community health clinics should be our first line of offense in this effort.

There are over 900 health clinics in the United States. Most of them serve not only the uninsured, but also Medicare and Medicaid beneficiaries. These health clinics provide primary and preventive services, as well as acute care, to approximately 6 million Americans who might otherwise have nowhere to go for medical help.

Although they are providing exactly the sort of care we should be encouraging in the United States, our investment in their efforts, at both the State and Federal levels, is falling short.

Because we are in the midst of a budget crisis, their Public Health Service grant funds have been limited. In addition, they have had to rely on other Federal programs for adequate reimbursement—specifically, Medicare and Medicaid.

Unfortunately, payment under Medicare and Medicaid is insufficient to cover reasonable costs of providing care, because the method of reimbursement for providers in these two programs is completely unsuited to health clinics.

As a result, it appears that many health clinics are being forced to use scarce Federal grant funds to, in a sense, subsidize the Medicare and Medicaid Programs. This situation has put even more demands on already limited public and private grants and has hampered the clinics' ability to provide care to the uninsured. Moreover, because health clinics serve a disproportionate share of low-income and Medicare and Medicaid patients, there is virtually no capacity to shift costs. The net effect is that the ability of

health clinics to care for the working poor is slowly but surely being sapped of its strength.

The legislation I am introducing today would change the method of reimbursement under Medicare and Medicaid, and take into account the unique situation and composition of health clinics.

My bill would expand an existing program under Medicare which allows federally funded health clinics to qualify for cost-based reimbursement. It would make this same reimbursement method available to the 475 nonfederally funded health clinics. These clinics are virtually identical in function to the federally funded clinics, but do not qualify for this special status simply because of the limited funds available to the Public Health Service to certify and fund new clinics.

My proposal would allow health clinics that meet all the criteria for a federally funded health clinic to be certified and thus to qualify for cost-based reimbursement. The Medicaid Program also would be changed to establish cost-based reimbursement for all health clinics.

This measure would significantly increase access to health care—at a relatively low cost. Together, these changes will allow community health clinics in both rural and urban areas to serve about 750,000 additional people each year. I believe it will cost in the neighborhood of $40 million each year.

Community health clinics can and do play a critical role in our efforts to improve access to services for all Americans. We have a choice: We can continue to inadequately reimburse our health clinics, forcing more and more low-income people, including children, to lose access to health care each year; or, we can enact this legislation and expand access to health care for the uninsured. I urge my colleagues to join in this effort to provide reasonable Medicare and Medicaid reimbursement for community health clinics.●

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. ADAMS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BRADLEY, Mr. BURDICK, Mr. CHAFEE, Mr. COCHRAN, Mr. CRANSTON, Mr. DASCHLE, Mr. DURENBERGER, Mr. GLENN, Mr. INOUYE, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, Mr. ROBB, Mr. SANFORD, Mr. STEVENS, and Mr. WIRTH):

S.J. Res. 158. Joint resolution designating October 22 through 28, 1989, as "World Population Awareness Week"; to the Committee on the Judiciary.

WORLD POPULATION AWARENESS WEEK

● Mr. KERRY. Mr. President, during the past year Congress has increasingly focused its attention on the problems of global warming, rain forest deforestation, natural resource depletion, third world debt, and the dangers such environmental destruction present to the health and prosperity of the world and its people. Population growth is another essential factor in this equation and demands our attention.

Today the world's population exceeds 5 billion, and if population growth continues at its present rate, the world's population will double in the next 40 years. Most of the additional 5 billion people will be living in the Indian subcontinent, the Middle East, Africa, and Latin America—precisely those areas that are least equipped to support such growth.

If the United States is going to do something to address the pressing problems facing today's planet, we must recognize the strain that rapid population growth places on the already scarce resources of so many developing nations.

Last year, World Population Awareness Week educated Americans from Maine to Hawaii about the implications of rapid population growth in the developing world. The hundreds of university forums, public library exhibits, and community meetings that were held in relation to the week were extremely important.

The American public must continue to learn about the complex ways in which rapid population growth effects peace and prosperity in the Third World. We must be aware that infant mortality rates and death rates among mothers could be decreased if voluntary child spacing and maternal health programs were expanded. Half of the women of reproductive age in the developing world would like to control the size of their families but lack the means or ability to gain access to family planning.

The great effort that we are expending on environmental issues will not be enough if we ignore the fact that, according to demographers' predictions, Ethiopia's population will increase fourfold in the next several decades; India is expected to grow by 1 billion people; at present growth rates, El Salvador, a country the size of the State of Massachusetts, is expected to grow to 15 million people by the year 2025, and Mexico will gain 20 million people in the next 10 years.

This year World Population Awareness Week will take place on October 22 through October 28, 1989. Ten other countries, including Turkey, Brazil, Bangladesh, Tunisia, Zimbabwe, Costa Rica, Indonesia, Colombia, China, and Nigeria will also be participating. The expanded number of educational activities and events to be held this year will help the American public understand the implications of rapid population growth and will illustrate the direct effects that environmental destruction and other global problems have on people living in the Third World and the United States.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 158

Whereas the population of the world today exceeds 5,000,000,000 and is growing at an unprecedented rate of approximately 90,000,000 per year;

Whereas virtually all of this growth is occurring in the poorest countries, those countries least able to provide even basic services for their current citizens;

Whereas the demands of growing populations have contributed substantially to enormous environmental devastation and pose threats of even greater harm to the world;

Whereas one-half of the 10,000,000 infant deaths and one-quarter of the 500,000 maternal deaths that occur each year in the developing world could be prevented if voluntary child spacing and maternal health programs could be substantially expanded.

Whereas research reveals that one-half of the women of reproductive age in the developing world want to limit the size of their families but lack the means or ability to gain access to family planning;

Whereas the global community has for more than 20 years recognized that it is a fundamental human right for people to voluntarily and responsibly determine the number and spacing of their children and the United States has been a leading advocate of this right;

Whereas the demands of growing populations force many countries to borrow heavily and sell off their natural resources to cover the interest on their debt;

Whereas selling off natural resources in such circumstances often causes irretrievable losses, such as the destruction of the tropical rain forests at a rate of 50,000 acres per day;

Whereas the reliance of a rapidly growing world population on burning fuels is a critical factor in the emission of carbon dioxide into the atmosphere, which many scientists believe has already catalyzed a warming of the Earth's climate;

Whereas pollution is damaging the ozone layer to such an extent that within 40 years the ultraviolet light reaching our planet is expected to be up to 20 percent greater than it is today; and

Whereas in 1988, 40 State Governors proclaimed "World Population Awareness Week" in their States to call attention to the consequences of rapid population growth and the House of Representatives also passed a resolution to that effect: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 22 through 28, 1989, is designated as "World Population Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week

with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 216, a bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act.

S. 478

At the request of Mr. DODD, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 494

At the request of Mr. DURENBERGER, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 494, a bill to amend the Internal Revenue Code of 1986 to extend for 5 years, and increase the amount of, the deduction for health insurance for self-employed individuals.

S. 724

At the request of Mr. GRAHAM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 724, a bill to modify the boundaries of the Everglades National Park and to provide for the protection of lands, water, and natural resources within the park, and for other purposes.

S. 811

At the request of Mr. BENTSEN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 811, a bill to amend the Internal Revenue Code of 1986 to provide notice to any taxpayer of amounts withheld in excess of such amounts reported on a tax return by such taxpayer.

S. 933

At the request of Mr. HARKIN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 993

At the request of Mr. KOHL, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 993, a bill to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes.

S. 1041

At the request of Mr. CONRAD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1041, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers who realize capital gain on the transfer of farm property to satisfy an indebtedness, and for other purposes.

S. 1130

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1130, a bill to amend titles II and XVI of the Social Security Act to improve supervision of representative payees on behalf of beneficiaries under those programs.

S. 1139

At the request of Mr. ROTH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 1139, a bill to provide for equality of State taxation of domestic and foreign corporations.

S. 1149

At the request of Mr. BAUCUS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1149, a bill to amend title XVIII of the Social Security Act and the Internal Revenue Code of 1986 to limit application of the benefits and premiums of the Medicare Catastrophic Coverage Act of 1988 to those voluntarily enrolled in part B of the Medicare program.

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE JOINT RESOLUTION 124

At the request of Mr. GORTON, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 124, a joint resolution to designate October as "National Quality Month."

SENATE JOINT RESOLUTION 157

At the request of Mr. LEVIN, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 157, a joint resolution designating June 16, 1989, as "Soweto Remembrance Day."

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. MOYNIHAN, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Concurrent Resolution 45, a concurrent resolution relating to congressional support of a Presidential waiver of the provisions of the Jackson-Vanik amendment with respect to the Soviet Union.

AMENDMENT NO. 196

At the request of Mr. BENTSEN, his name was added as a cosponsor of amendment No. 196 proposed to S. 5, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

At the request of Mr. MITCHELL, the names of the Senator from Iowa [Mr. HARKIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from California [Mr. CRANSTON], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of amendment No. 196 proposed to S. 5, supra.

SENATE CONCURRENT RESOLUTION 47—RELATING TO MULTILATERAL SANCTIONS AGAINST SOUTH AFRICA

Mr. SIMON (for himself, Mr. BOSCHWITZ, Mr. BOREN, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 47

Whereas the Congress found in the Comprehensive Anti-Apartheid Act of 1986 that "international cooperation is a prerequisite to an effective anti-apartheid policy";

Whereas the Comprehensive Anti-Apartheid Act of 1986 states that it is the policy of the United States "to seek international agreements with the other industralized democracies to bring about the complete dismantling of apartheid";

Whereas the Comprehensive Anti-Apartheid Act of 1986 states that "Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments.";

Whereas the Comprehensive Anti-Apartheid Act of 1986, Congress expressed its sense that the President "should instruct" the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council impose measures against South Africa "of the same type as are imposed by this Act";

Whereas the Permanent Representative of the United States to the United Nations contravened the intentions of the Congress, as expressed in the Comprehensive Anti-Apartheid Act of 1986, by vetoing two proposed Security Council Resolutions, on February 20, 1987, and March 7, 1988, that would have imposed selective but mandatory international economic sanctions against South Africa, similar to those imposed by the United States through the enactment of the Comprehensive Anti-Apartheid Act of 1986;

Whereas those vetoes by the United States in the United Nations Security Council run counter to the recommendations of the Secretary of State's Advisory Committee on South Africa, established pursuant to Executive Order 12532 of September 9, 1985;

Whereas the Advisory Committee concluded in its January 1987 report that the "most effective external pressure" on the Government of South Africa will come from a "concerted international effort";

Whereas the Advisory Committee recommended that the President begin "urgent consultations" with United States allies to "enlist their support for a multilateral program of sanctions" drawn from those measures in the Comprehensive Anti-Apartheid Act of 1986;

Whereas the European Community, the British Commonwealth, and Japan have adopted selected economic sanctions against the Government of South Africa which parallel some of the measures taken by the United States, such as a ban on new investment and on the importation of gold coins, iron, and steel;

Whereas Japan, Italy, France, the United States, the United Kingdom, and the Federal Republic of Germany are South Africa's major trading partners, accounting for 81 percent of South Africa's imports and 78 percent of South Africa's exports in 1987;

Whereas Japan and the Federal Republic of Germany became South Africa's top trading partners in 1987;

Whereas the United States General Accounting Office concluded in its September 1988 summary report on South Africa that sanctions imposed by the United States on South Africa under the Comprehensive Anti-Apartheid Act of 1986 reduced South African exports by $417 million and caused a total trade reduction of $469 million be-

cause of South Africa's inability to redirect trade to other markets;

Whereas the United States, United Kingdom, the Federal Republic of Germany, and Switzerland account for almost half of South Africa's international debt of $23 billion;

Whereas Congress authorized the President in the Comprehensive Anti-Apartheid Act of 1986 to limit the importation into the United States of products or services of a foreign country "to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition" imposed under the Comprehensive Anti-Apartheid Act of 1986;

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should—

(1) take immediate steps to achieve a consensus among South Africa's major trading partners on effective economic, political and diplomatic measures to bring about an end to apartheid;

(2) implement to the fullest extent all the provisions of the Comprehensive Anti-Apartheid Act of 1986;

(3) implement to the fullest extent the recommendations of the Advisory Committee;

(4) take active steps designed to bring about concerted multilateral pressure by Japan, Canada, the member states of the European Community, and other United States allies on the Government of South Africa to dismantle its immoral and inhumane system of apartheid through a process of negotiation with legitimate representatives freely chosen by all the citizens of South Africa;

(5) instruct the Permanent Representative of the United States to the United Nations to offer a resolution in the Security Council that would impose selective mandatory sanctions similar to those embodied in the Comprehensive Anti-Apartheid Act of 1986 against South Africa for a period of twelve months;

(6) instruct the Permanent Representative of the United States to the United Nations to vote for any resolution offered in the Security Council that would impose selective mandatory sanctions against South Africa as a means of promoting an end to apartheid;

(7) strengthen the impact of the Comprehensive Anti-Apartheid Act of 1986 through the use of diplomatic and political pressure in private as well as public fora;

(8) direct the Department of State, the Department of Commerce and other appropriate executive agencies to monitor carefully trade relationship between South Africa and United States allies; and

(9) take effective action against those foreign countries benefitting from or taking advantage of United States sanctions against South Africa.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. SIMON. Mr. President, I am submitting a concurrent resolution today cosponsored by Senator BOSCHWITZ, Senator BOREN, and Senator DODD, that calls on the United States to ask other countries to join in the limited sanctions that we have right now with South Africa. It is not a substitute for strengthened sanctions by our own country, and I would add it is not contrary to what the administration's position is. Right now the administration has not taken a position on this, and Secretary of State James Baker has made clear in statements to the Foreign Relations Committee that they have not taken a position on this.

What we would like the administration to do is to simply ask Japan, West Germany, Great Britain, the other major trading partners of South Africa, to join so that peaceful change can be achieved in South Africa.

Today is the 13th anniversary of the Soweto Township uprising when there was a massive slaughter of young people and many others.

South Africa is a time bomb. South Africa is going to explode. I cannot tell you whether it is going to explode 6 days from now or 6 months from now or 6 years from now, but explode it certainly will unless there is peaceful change moving away from apartheid, and we have to get that message to them that we want peaceful change.

It is not punitive. I do not want to punish anyone. I just want to bring justice to people in South Africa, and that is in the interest of the whites, the blacks, the coloreds, the Asians, the major categories that they list.

Let me just mention a couple of other things very briefly. There are those who say, well sanctions really do not work. The GAO report in September says that sanctions have cost South Africa at least $469 million in trade and in terms of their credit market there is no question that it has cost South Africa. South Africa today pays about 20 percent interest. That is a huge interest rate for a country that has the basic economic strengths that South Africa has.

The study also indicated that six countries, the United States, Japan, Italy, France, West Germany, and Great Britain account for 81 percent of the trade in South Africa. There is just no question that we can have an impact.

Let me add, because my colleague from Kansas, the Republican leader, mentioned the other day apparently in response to a news article, that was not accurate, that Bishop Tutu and others are backing off their call for sanctions. That is just not the case. The real black leaders of South Africa are urging sanctions.

My hope is that we can adopt this concurrent resolution in the very near future and that we can continue to send a very clear message to South Africa. We want justice for all the people of South Africa. We want to get rid of the system of apartheid. We do not expect it to disappear overnight, but we want to see a plan that moves that nation in the direction of justice.

If apartheid does not change, there is going to be massive bloodshed in South Africa and the lesson of history is that that kind of massive bloodshed is not going to be contained within the borders of one country.

SENATE RESOLUTION 147—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE DISCHARGE OF CERTAIN FUNCTIONS BY THE SECRETARY OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 147

Resolved, That, for purposes of subchapter I and II of chapter 37 of title 31, United States Code (relating to claims of or against the United States Government), the United States Senate shall be considered to be a legislative agency (as defined in section 3701(a)(4) of such title), and the Secretary of the Senate shall be deemed to be the head of such legislative agency.

SEC. 2. Regulations prescribed by the Secretary pursuant to section 3716 of title 31, United States Code, shall not become effective until they are approved by the Senate Committee on Rules and Administration.

SENATE RESOLUTION 148—ORIGINAL RESOLUTION REPORTED RELATING TO THE PURCHASE OF CALENDARS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 148

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $72,800 for the purchase of one hundred and four thousand 1990 "We The People" historical calendars. The calendars shall be distributed as prescribed by the committee.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Wednesday June 21, at 9:30 a.m., in SD-342 Dirksen continuing with the subject: "Averting Alcohol Abuse," new directions in prevention policy. For further information, please call Len Weiss, staff director, at 224-4751.

Mr. President, I would like to announce that the Governmental Affairs Committee will hold a hearing on Friday, June 23, at 9:30 a.m., on the legislation: S. 253, National Nutrition Monitoring Act. For further information, please call Len Weiss, staff director, at 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MEDICARE AND LONG-TERM CARE

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Medicare and Long-Term Care of the Committee on Finance be authorized to meet during the session of the Senate on June 16, 1989, at 9:30 a.m. to hold a hearing on the issue of physician payment reform under the Medicare Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on June 16, 1989, at 9:30 a.m. to hold a hearing on the nominations of Richard Harrison Truly, of Texas, to be Administrator, and James R. Thompson, Jr., of Alabama, to be Deputy Administrator, of the National Aeronautics and Space Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT INFORMATION AND REGULATION

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on June 16, 1989, at 9:30 a.m., to discuss the reauthorization of the Paperwork Reduction Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE AND CIVIL SERVICE

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, June 16, 1989, at 9:30 a.m., to examine policy issues regarding operational testing, as well as contracting practices.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Friday, June 16, 1989, at 10:30 a.m., to hold a oversight hearing on the Bail Reform Act of 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Friday, June 16, 1989, at 10 a.m., to conduct hearings on S. 566, the National Affordable Housing Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, June 16, 1989, at 10 a.m., to conduct a hearing on the implementation of the 1987 Amendments to the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MAGGIE

● Mr. LEAHY. Mr. President, Vermont's favorite columnist has written her final entry for the Burlington Free Press, my State's largest newspaper. Maggie Maurice, known simply as Maggie by the newspaper's readers, has retired after more than 23 years of reporting on people and events in Chittenden County.

A friendly, wonderfully charming person, Maggie developed a style of community reporting that was a readable and entertaining as it was informative.

In a wonderful story on her retirement, John Johnston, a Free Press staff writer notes:

Her Sunday column was like a visit to the general store from many Vermonters. It was the place a person could find out about the latest comings and goings, could learn who's who and what's what, or could just listen to the proprietor's musings on the weather.

A person like Maggie Maurice helped define an entire community. The outpouring of affection for her upon retirement represents the gratitude and appreciation of the public she served so well.

I would ask that this excellent article by Mr. Johnston, that appeared in the June 2, 1989, edition of the Burlington Free Press, be reprinted in the CONGRESSIONAL RECORD, so that the Senators and public at large can learn more about this wonderful person.

Vermonters miss you already, Maggie, but thank you for the memories.

The article follows:

MAGGIE!

(By John Johnston)

One day in late December 1965 two production workers at The Burlington Free Press thought aloud about the newly hired women's editor, who was mired in a mass of wedding, engagement and anniversary announcements. "I give her six weeks," one quipped.

The women's editor, a bit overwhelmed by the new job, overheard the remark and wondered if they were right.

But she persevered, began churning out stories, and over the next 23½ years became one of the newspaper's most popular and respected writers.

Today that writer, Maggie Maurice, retires from the newspaper. She plans to stay active, take classes and possibly travel.

"She's very, very much going to be missed," said Free Press President and Publisher Donna Donovan, echoing the thoughts of legions of loyal readers.

Said Gov. Madeline Kunin: "Maggie Maurice is a Vermont institution. It's hard to imagine opening up the Sunday Free Press and not seeing her column. She captures the human side of the news, those small but important events that add pleasure to our lives."

Reading Maurice's column, which has appeared Sundays in the Living section for 14 years, was like a visit to the general store for many Vermonters. It was the place a person could find out about the latest comings and goings, could learn who's who and what's what, or could just listen to the proprietor's musings on the weather.

"We pick up our Sunday Free Press from a delivery tube en route to church," said former Free Press Publisher J. Warren McClure. "As I drive, I always ask my wife, Lois, 'What's in Maggie's column today?' "

"It's like reading a letter from your best friend," said Maggie Green, who retired last year as director of the Sara Holbrook Community Center. "For many of us, she's the reason we buy the Sunday paper. She is the personal side of Burlington for us."

The column was born in 1975 along with the newspaper's Sunday features section. A group of editors from Gannett Co., which bought the Free Press in 1971, took Maurice to lunch and announced: "You're going to be a columnist."

Her philosophy from the outset, Maurice said, was "to tell newsy things that weren't in other parts of the paper." But in the beginning that was easier said than done.

"Nobody would tell me a thing," she said. Jeannie Williams, who now writes a column for USA Today, was one of the Gannett editors who helped launch the Free Press Living section. She encouraged Maurice to attend events that might yield newsworthy nuggets.

"But Jeannie, I'm not invited," Maurice said.

"Go!" came the response.

"So I got pretty brazen," Maurice said.

But she knew what her column *would not* include. "I wouldn't ever write anything to hurt anybody. It's not worth it to me," she said.

Former Gov. Philip Hoff, who has known Maurice almost 40 years, said her non-judgmental nature is one of her most endearing qualities.

"Maggie has that wonderful characteristic of being able to accept people for what they are, and then finding something unique and interesting about them.

"She always finds a way of looking at people in their most favorable light. It isn't a question of just being kind, it's that this is the way she approaches life."

The column sometimes produced some interesting results. On Jan. 10, 1982, Maurice wrote: "No more time and temperature by calling the Burlington Savings Bank. It was a nice service. Not cost effective advertising,

a representative of the bank said. So it goes."

Three weeks later, the bank placed a large advertisement in the Free Press announcing the reinstatement of time and temperature. It carried this headline: "OK, Maggie, you win."

Although the column contributed heavily to her popularity, her feature stories earned her the most professional recognition.

An article Maurice wrote in 1978 about the appearance of poet Archibald MacLeish in Middlebury won first prize in the Best of Gannett feature writing competition, which included entries from 78 daily newspapers.

In a note MacLeish wrote to Maurice after the article appeared, he said he was "naturally quite pleased by it, but that is not why I am writing. . . . What moves me is the piece itself. You have caught the tone and feel of that room, that audience, the rain on the roof. Lovely, lovely writing!"

Other accolades have come from the New England Women's Press Association, the New England Press Association, the Visiting Nurse Association and the Vermont Council on the Arts.

She is most grateful for the Vermont awards. Indeed, her feelings for the state run deep. "I love Burlington," she said. "I love Vermont. I believe in Burlington."

The Syracuse, NY, native moved here after graduating from Tufts University with an English degree in 1944. She was hired by the Free Press to write obituaries, weather reports and birth announcements, but acknowledges that she "goofed off." She was fired after a year.

"It was the best thing that ever happened to me," she said. "I have been hustling ever since. I never goofed off again."

That year also was significant because she was assigned to interview soldiers returning from World War II. One of them was Melville "Pug" Page Maurice, an Army Veteran who had seen action in the Pacific.

When the article appeared, his name was spelled "Morris." Mr. Maurice called Maggie Armstrong and pointed out the mistake. "I hoped I'd never see him again," she now says.

But they met shortly thereafter on the street and he held no grudge. Fourteen months later, he asked her to marry him and this year they will celebrate their 43rd wedding anniversary.

After leaving the Free Press, Maurice worked a year as a proofreader for the old Burlington Daily News, then spent one-year stints with radio stations WJOY and WCAX. She quit work for 13 years to raise her four children.

"Don't regret a bit of it," she said.

But with two dyslexic children and bills piling up, she went back to work as an editorial assistant for the University of Vermont Extension Service in the early 1960s. In 1965, then-Free Press Editor Gordon Mills asked if she wanted to apply for the job of women's editor, and she got the job.

Once Maurice had the multitude of social announcements under control, she wanted to do more. So she began coming in early and writing a story or two a week.

One of her role models was Vic Maerki, who covered City Hall and now writes a weekly column for the newspaper's opinion page.

"He was brilliant," Maurice said. "He sort of challenged me because he thought I was no good and I wanted to show him. If it weren't for Vic Maerki I'd still be typing those weddings."

In 1968, Publisher McClure sent Maurice to a two-week American Press Institute seminar where she learned lessons in reporting, writing and layout. "That changed my life," she said. "I came back and announced I was lifestyles editor."

And indeed she covered the gamut of lifestyles. The Maggie Maurice byline perched above stories on priests, politicians, rabbis, restaurateurs, writers—the list of the famous and not-so-famous goes on and on.

Former Free Press photographer Stu Perry often was paired with Maurice on assignments. "She could charm the pants off any celebrity," he said. "In fact, she did exactly that when she called on the late comedian Georgie Jessel at a South Burlington motel. Jessel answered his own door, clutching his cane in one hand and his pants in another. Never blinking an eye, Maggie launched into her interview before Jessel had the second leg in his pants."

No one knows how many interviews Maurice has conducted—"It's better we don't," she said—but Green notes that it's likely countless readers feel a special attachment to the Free Press writer.

They are the people whose family albums and scrapbooks contain newspaper articles that have touched their lives. Articles with the byline: By Maggie Maurice.

Said Green: "She may be gone from the Free Press, but she'll always be with us because of those memories."

HE'LL MISS MAGGIE'S COMPASSION

(By John Johnston)

As I scanned old clips for the accompanying story on Maggie Maurice I came across something she wrote when Walter Cronkite retired.

"I wonder how Walter Cronkite really felt on Friday night when he did his last broadcast as CBS anchorman," she wrote in her March 8, 1981, column. "So many tributes have appeared that you'd think he died. Probably he was glad to get it over with, the leaving, I mean, although who knows how to relish a great moment better than Walter Cronkite."

As Maggie embarks on her first summer off in 28 years, I'm sure she, too, will be glad to get the leaving over with.

The fact that the newspaper is making a relatively big deal about all this no doubt makes her more than a little uncomfortable. Maggie is a private person who would, I'm sure, prefer to make a quiet exit.

That's just my perception, of course, based on my interview with her and the number of times—roughly a dozen—that she prefaced a statement with "You don't have to write this down."

Since I'm already in trouble for mentioning the "R" word (Maggie prefers the phrase "moving on" to "retiring"), I figured I might as well dig myself a deeper grave by devoting this column to her.

Certainly there's no shortage of material. Mention that Maggie is retiring and it triggers an outpouring of affection from the people she's worked with and written about. To wit:

Bish Bishop, retired Free Press outdoors editor: "She's one of the most pleasant people I've ever worked for in a business that's known for its stress. Nobody's indispensable, but some people are really missed and she's going to be one of them."

Former Free Press librarian Barbara VonBruns: "Maggie is not only a gifted writer but a thoughtful and considerate lady. Be it her family, her friends or her church, she generously cares about people."

Bishop John A. Marshall of the Catholic Diocese of Burlington: "She has a very genuine interest in the person she's interviewing. She has that style of writing that catches the interest of people."

Kay H. Ryder, public relations director for the Visiting Nurse Association: "When I saw her in someone's home, she always reminded me of the way our staff operates—we're guests. It wasn't 'I'm going to interview you,' it was 'I want to interview you. I want to hear what you have to say.'"

Sheila Herberg, executive director of the Humane Society of Burlington: "She's been a great help to me at the shelter and made many people aware of what we do here. She's part of the whole scene in Burlington."

The list could go on and on.

I've probably learned more facts about Maggie Maurice in the past week than I learned in the two years since I first met her. But the really important stuff I didn't have to be told: that she is a compassionate, caring, witty, dedicated person with a heart of gold.

When Maggie leaves the newsroom, I'll not only miss her stories and column, but the little, less noticeable things: her compliments, because she was always the first to say, "Nice story"; the funny notes she'd write on the computer; and I'll even miss the way she answers the phone. There was something comforting about hearing her say "Hello" instead of "Free Press newsroom."

Maggie's Jan. 1, 1984, column looked back over the past year. I think it's just as relevant today as it was then. Here's an excerpt:

"But isn't life a journey? You may get lost and never find your destination, but you have all kinds of adventures along the way.

"Looking back over the year is like getting on the scales. Unless you're somebody like Meryl Streep, you don't want to look. But then you do, and what you see gives you new resolve. You can do anything, you tell yourself, if you just try."

Not only can you do anything, but as Maggie showed us, you can do it with class.●

DENIS GALVIN, NATIONAL PARK SERVICE

● Mr. McCAIN. Mr. President, excellence and dedication to service are qualities that Americans admire and cherish. Today I would like to call attention to a remarkable individual who has set a standard for those qualities throughout his 27-year career with the National Park Service. I am speaking about Mr. Denis Galvin, whose leadership and expertise as Deputy Director of NPS will be sorely missed.

As you know, Mr. President, the American people have long prized the Park Service as a jewel among Government agencies with uncompromising standards for excellence. The stewardship of Denis Galvin is one of the primary reasons that we have held this agency in such high regard. His commitment to the agency's mission, knowledge of the issues, creativity, dependability and ethical standards reflected the best in public service. He has distinguished himself and is a role model to any young man or woman contemplating a career in public service.

I had the great pleasure of working with Denis on a number of issues affecting the National Park System. Of particular note is our work on issues involving the Grand Canyon National Park—especially the problem of unrestricted overflights in the Canyon area. His interest and assistance were essential in helping me clarify both the issues and objectives of protecting the pristine experience that is the essence of hiking or rafting the Grand Canyon. He approached this issue in his usual fashion—with vigor, unquestioned professionalism, and the best interests of the resource at heart. I might add that while the 100th Congress finally enacted legislation to restrict overflights, in 1975 it was Denis who had recommended taking action on that issue. This was typical of his foresight and ability.

His guiding hand played a role in so many important efforts to restore, preserve, and protect our Nation's natural and historical heritage—too many to number here. As Denis looks back on his assignment as Deputy Director at the Park Service, he must do so with great satisfaction. His stewardship has left a special legacy—one that can be measured in the joy found by the millions who visit our Nation's parks. Denis, please accept the deepest and warmest heartfelt thank you from a grateful Nation on a job well done. Your contribution is enduring.●

SELMA TEAM WINS ODYSSEY OF THE MIND COMPETITION

● Mr. SHELBY. Mr. President, I rise today to recognize the outstanding achievement of seven young Alabamians from Meadowview Elementary School who were judged the best "Ye Gods" team at the Odyssey of the Mind international competition held in Boulder, CO.

The Meadowview Elementary School in Selma, AL, embodies many characteristics that set it apart as a leader. With an innovative curriculum and an outstanding faculty, there are many factors that distinguish the Meadowview Elementary School from its counterparts nationwide. Selected from over 600 schools across the world, the "Ye Gods" team from Selma, AL, won high marks not only for its academic excellence in creative problem solving, but also for the commitment, dedication, and understanding of the coaches Martha Lockett, Wanda Calame, and Leah Weaver.

Odyssey of the Mind is a creative problem solving competition. The teams competing consist of especially gifted students. Members of the first-place Meadowview team are: Peyton Lockett, Patrick Weaver, Scott Weaver, Logan Casey, Clay Blanton, Matt Calame, and Amanda Calame. The "Ye Gods" team put together an advertising campaign to promote a product related to a mythical character. The students competed with 47 other teams in their category and while the competition was fierce, they managed to come out on top.

Frequently in Congress, we have the opportunity to witness the culmination of many levels of effort. We have a chance to see our combined goal—excellence in education—come to fruition through the unity of Federal, State, and local efforts. Meadowview Elementary School is a product of a community that cares about education and that wants the best for its children.

I applaud the school; its principal, tremendous faculty, and, of course, the Odyssey of the Mind team members and coaches.●

STALEMATE IN AFGHANISTAN?

● Mr. HUMPHREY. Mr. President, Representative SOLARZ, chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, held a timely hearing on Afghanistan yesterday at which he graciously allowed me to testify. There has been concern expressed by some of my colleagues recently as to the continued commitment of the United States for the Afghan people. I commend Chairman SOLARZ for focusing the attention of his subcommittee on Afghanistan at such a crucial juncture.

I have been concerned that recent press reports about the situation in Afghanistan would erode congressional support for the Afghan Mujahideen. My concern was so great, in fact, that I traveled to Pakistan only 2 weeks ago to determine what was truly going on inside the country. The statement that I include in the RECORD today, and which I delivered before Chairman SOLARZ' subcommittee yesterday, represents the findings of my trip, and assessments of the situation based on 5 years of close involvement with the Afghan issue. I hope my colleagues can take the time to review the brief remarks.

Mr. President, I ask that the accompanying statement be included in the RECORD.

The statement follows:

STATEMENT OF SENATOR GORDON J. HUMPHREY BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE, JUNE 14, 1989

Mr. Chairman, thank you for the opportunity to testify.

In recent weeks, some accounts of the situation in Afghanistan have portrayed it as a stalemate. Even worse, some accounts have portrayed the struggle as merely a "civil war" and by implication a struggle in whose outcome we should have little interest. Some accounts assert the United States and Pakistan have decided to opt for a political settlement, as though that is a new policy and represents an abandonment of the Afghan resistance. In my view, such accounts result from misunderstandings of fact.

Is there a stalemate? There is not. It's easy to understand why some might perceive a stalemate, when, first of all, one recalls the predictions that the Kabul regime would fall automatically upon the withdrawal of Soviet troops. There was never any grounds for such self-delusion, for the Soviets made it clear from the start that they would attempt to keep their puppet regime in power by all means short of continued military occupation. Indeed, the Soviets left behind a mountain of weaponry and have provided a continuous resupply so massive that it might exceed last year's levels. Second, fighting always comes to a virtual halt between November and June, when the mountains are blocked by snow and it is literally impossible to resupply the resistance forces. Indeed, this year's snowfall was the heaviest in decades. And it isn't only a problem of snow, there is the added problem of swollen rivers in the spring runoff. To say there is a stalemate before the fighting season begins, is on the face of it illogical.

It is true, the resistance has failed so far to take Jalalabad. But, again, bear in mind, the Kabul regime has been able to concentrate its forces at Jalalabad, because fighting elsewhere has been negligible. Very soon the Kabul regime will find itself thinly stretched, as fighting resumes throughout the country.

One further point about Jalalabad. Reading the reports over the last several weeks, one gains the impression that the resistance have been firing upon the city without restraint, causing large numbers of needless civilian casualties. One gains the impression that Jalalabad, the most beautiful city in Afghanistan, is being utterly destroyed. Mr. Chairman, I invite my colleagues to request an intelligence briefing. I invite them to look at the overhead photos of excellent quality, as I have as recently as one week ago. My colleagues will see that the city has hardly been touched. Try to find even one rooftop destroyed, try to find one damaged structure. However, then view photos of areas outside the city, where the Kabul regime's military fortifications lie, and you will see a profusion of craters and destroyed structures. The photo evidence is quite convincing: the city of Jalalabad has suffered only light damage. The resistance have not been indiscriminate in their firing. They have been careful, because, in fact, many of them have relatives in the city.

The second question is, is this just a "civil war" and, by implication, a struggle about whose outcome we should feel ambivalent? Let us not forget, Mr. Chairman, that before being elevated by his Soviet patrons, Mr. Najibullah was the head of the Afghan version of the KGB. Let us not forget that he and his party cooperated in a genocide against the Afghan people costing well over one million lives. Let us not forget the PDPA cooperated with the Soviets in littering the countryside with millions of mines that have torn off the legs of thousands of children and will tear off yet more thousands of legs for years to come. This is no civil war. This is a struggle to overthrow an illegitimate regime imposed by brutal force at the point of 125,000 Soviet bayonets.

The massive sacrifice on the part of the Afghan people makes it a moral imperative for the United States and Pakistan to continue to seek genuine self-determination for Afghanistan. Let us never yield to the expedient of re-defining this important struggle as a civil war and, in so doing, opening the back door to a sell-out. That would be a great tragedy for Afghanistan. Let us not permit the Soviets to win through clever po-

litical maneuvering what they failed to win by force of arms. The Soviets have learned an important lesson about the limits of militarism and imperialism. That lesson, I believe contributed substantially to the reduction of the influence of military spheres within the Soviet system under perestroika. Let us never erase that lesson by accommodating a sell-out of the Afghan resistance. The struggle in Afghanistan is not a civil war. It is a struggle to overthrow a regime imposed by a foreign army of occupation.

The third question is, Has there been a change in U.S. and Pakistani policy? Does the recent talk of a political settlement mean there has been a backing away from support of the resistance? The answer is no, because our policy and that of Pakistan has always been to seek a political solution, using military leverage to secure the right kind of political solution.

I quote a letter from Secretary Schultz dated January 17, 1987, "our objective is a negotiated settlement, consistent with UN resolutions, and predicated on the prompt and complete withdrawal of Soviet troops and full self-determination for the people of Afghanistan."

I cite a State Department update of December, 1987: "The U.S. seeks a negotiated settlement in Afghanistan that brings about the prompt and complete withdrawal of Soviet troops and self-determination for the Afghan people. This is outlined in the U.N. General Assembly resolutions passed overwhelmingly each year for the past 8 years."

From the remarks of Ambassador Herbert S. Okun before the U.N. General Assembly on November 10, 1987, "My government supports these fundamental principles. It supports as well the search for a negotiated political settlement to end the agony the Afghan people have so long endured. The policy of the United States Government toward the Afghanistan situation is clear and consistent. The United States seeks an early settlement which provides for the prompt withdrawal of the invading forces and for the restoration to the Afghan people of freedom to choose their own political course. The United States firmly believes that a peaceful settlement is possible."

By an increasing margin, the U.N. for nine years running adopted resolutions urging the withdrawal of foreign forces and self-determination for the Afghan people.

And just last week, the Prime Minister of Pakistan, in her impressive address to the joint meeting of Congress, reminded us that our objective has been self-determination for the people of Afghanistan. The Prime Minister pointed out that for ten years the United States has stood side by side with Pakistan in supporting the cause of a free Afghanistan.

Yet, apparently some would abandon that cause. Some would seize upon the Soviet withdrawal as negating our second objective of long standing, self-determination. For all of these years we haven't been just saying withdrawal of foreign forces. We have been saying withdrawal of foreign forces and self-determination. They are separate and distinct. Self-determination is not forced power-sharing with a Nazi-like regime. Forcing the resistance into power-sharing by cutting off the flow of weapons would be a sell-out, not the achievement of self-determination.

Prime Minister Bhutto identified the obstacle to genuine self-determination, when she told a recent press conference in Pakistan: "If a political settlement is not in ascendancy at the moment, it is because of the recent situation in Afghanistan. The present administration in Kabul is not acceptable to the Pakistan-based Mujahideen, the Iran-based Mujahideen, the Afghan commanders, and even ex-King Zahir Shah." She added that the impediment to an Afghan settlement is "an obstinate refusal of the administration in Kabul to step down."

In short, Mr. Chairman, there is no stalemate, the first fighting season since the Soviet withdrawal is just beginning. The struggle in Afghanistan is not a civil war and one whose outcome can little concern us. It is a struggle to oust a regime installed at the point of 125,000 Soviet bayonets. As Prime Minister Bhutto has asserted, that regime is the barrier to self-determination. And finally, the recent remarks by the U.S. and Pakistan about a political settlement are nothing new. Our policy of long-standing is to seek such a settlement, using military leverage to secure the right kind of settlement. And Mrs. Bhutto is right when she defines the right kind of settlement as one which excludes the PDPA regime in Kabul.

President Bush has reaffirmed our commitment to self-determination by reaffirming our commitment to support the resistance forces. And let us remember the words we heard just a week ago in the House of Representatives, when Prime Minister Bhutto spoke of our joint commitment to self-determination, and then urging steadfastness said, "Let us not at this stage out of impatience or fatigue become indifferent. We cannot, we must not abandon their cause."●

CALL TO CONSCIENCE

● Mr. BOREN. Mr. President, I rise today asking my colleagues to join me in a call to conscience concerning the repeated refusal on the part of the Soviet Union to allow the five members of the Genis family to emigrate from that country. These Soviet Jews have been denied permission to emigrate continually since 1977.

In the past several years, I and other Senators concerned with the civil rights of citizens of the Soviet Union have been greatly encouraged by the improvements brought by Mr. Gorbachev to his country in the areas of tolerance and openness. But despite these changes, there remains a great number of people who are still denied their right to freely emigrate. The problem of human rights in the Soviet Union has not been resolved.

Today, I want to call particular attention to the Genis family. The father, Anatoly, aged 51, and the mother, Gayla, 44, are both highly educated former mathematicians and engineers. They have three sons, Peter, Seva, and Stephen, aged 21, 17, and 4. In 1980, 3 years after their first attempt to emigrate, Gayla became terribly ill, suffering from pains in her sides, chest, and back accompanied by heart palpitations and severe depression. Two of the sons have acquired an endocrine disorder which causes high blood pressure, leaving only the father Anatoly and one of the brothers to take care of the entire family.

Furthermore, Mr. President, Anatoly has problems of his own. Due to his refusenik status, he cannot obtain even the most menial employment despite his extensive professional training in one of Moscow's most prestigious universities.

Out of desperation, Anatoly began peacefully demonstrating in January 1988. He has been arrested several times, the last ending in an unjustified 10-day prison sentence. Reportedly, if he is arrested again he will face much stiffer penalties, including up to a year and a half in a Soviet prison.

Anatoly also must contend with the upcoming difficulties of his 17-year-old son, Seva. When Seva reaches the age of 18, despite his medical condition he will become eligible for the draft. If Seva is, in fact, drafted, he can automatically be refused emigration for 5 years after his service is terminated on the grounds that he knows "state secrets."

Mr. President, time is surely running out for the Genis family. For too long they have been denied a right guaranteed to them under the Helsinki accords. I sincerely hope that my colleagues will join me in my efforts on behalf of the Genis family. Their plight is indeed tragic, and we have in our power the ability to help. I hope all of my colleagues will join me in a cause that is truly just.●

AUTHORIZING THE PRINTING AS A DOCUMENT OF TRIBUTES TO THE LATE SENATOR CLAUDE PEPPER

Mr. DODD. Mr. President, I have cleared the matter I am about to raise with the minority leader. So I move to that.

I ask unanimous consent that the Senate now proceed to the consideration of House Concurrent Resolution 150, a concurrent resolution authorizing printing of statements made in tribute to the late Representative Claude Pepper now at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 150) authorizing the printing as a House document a collection of statements made in tribute to the late Representative Claude Denson Pepper.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 150) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL MONDAY, JUNE 19, 1989, AT 11:30 A.M.

Mr. DODD. Mr. President, there is no further business that I am aware of. I see no additional Member of the Senate seeking recognition.

I now ask unanimous consent that the Senate stand in recess under the previous order until 11:30 a.m., Monday, June 19, 1989.

There being no objection, the Senate, at 2:43 p.m., recessed until Monday, June 19, 1989, at 11:30 a.m.

HOUSE OF REPRESENTATIVES—*Friday, June 16, 1989*

CONFERENCE REPORT ON H.R. 2072

Pursuant to the order of June 15 1989, Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes:

CONFERENCE REPORT (H. REPT. 101-89)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplementals, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 7, 13, 22, 30, 38, 39, 50, 52, 53, 56, 57, 65, 73, 82, 86, 91, 108, 121, 129, 132, 140 and 141.

That the House recede from its disagreement to the amendments of Senate numbered 1, 4, 8, 14, 16, 20, 26, 31, 32, 34, 43, 45, 46, 47, 48, 49, 63, 64, 69, 70, 76, 83, 84, 85, 114, 116, and 126, and agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section number named in said amendment, insert *302*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the section number named in said amendment, insert *303*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES PROGRAM OPERATIONS

For activities authorized under section 799A(e) of the Public Health Service Act, $800,000.

And the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

HIGHER EDUCATION

For an additional amount for "Higher Education" which shall be available for such project as the Secretary may deem appropriate which is authorized under existing law, $1,600,000.

And the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

CONSERVATION RESERVE PROGRAM

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Conservation Reserve Program", delete the sum "$1,864,000,000" and insert in lieu thereof "$1,789,000,000", and delete the sum "$385,000,000" and insert in lieu thereof "$370,000,000".

And the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

For an additional amount for orphan product grants and contracts, $500,000.

And the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named, insert *$12,000,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the chapter number named by said amendment insert: *XII*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 6, 11, 12, 15, 17, 18, 19, 21, 23, 24, 25, 27, 28, 29, 33, 35, 37, 40, 41, 44, 51, 54, 58, 59, 60, 61, 62, 66, 67, 68, 71, 74, 75, 77, 78, 79, 80, 81, 87, 88, 89, 90, 92, 93, 95, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 115, 117, 118, 119, 120, 122, 123, 124, 125, 127, 128, 130, 131, 133, 134, 135, 136, 137, 138, and 139.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY,
EDWARD R. ROYBAL,
TOM BEVILL,
JOHN P. MURTHA,
BOB TRAXLER,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
W.G. BILL HEFNER,
VIRGINIA SMITH,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
QUENTIN BURDICK,
PATRICK LEAHY,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
BROCK ADAMS,
WYCHE FOWLER, JR.,
J. ROBERT KERREY,
MARK O. HATFIELD,
TED STEVENS,
JIM MCCLURE,
JAKE GARN,
THAD COCHRAN,
BOB KASTEN,
ALFONSE D'AMATO,
WARREN RUDMAN,
ARLEN SPECTER,
CHUCK GRASSLEY,
DON NICKLES,
PHIL GRAMM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2072) making dire emergency supplemental appropriations and transfers, urgent supplements, and correcting enrollment errors for the fiscal year ending September 30, 1989, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: Deletes the table of contents to the bill proposed by the House and stricken by the Senate.

TITLE I—DIRE EMERGENCY SUPPLEMENTALS AND TRANSFERS

Amendment No. 2: Reported in disagreement.

Amendment No. 3: Senate recedes. The House chapter number is retained.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

Amendment No. 4: Appropriates $4,000,000 for the Public Safety Officers' Benefits Program as proposed by the Senate. The House bill included these funds under title I, Chapter I Emergency Drug Funding.

CHAPTER III

Amendment No. 5: Restores Chapter number proposed by the House.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which transfers $2,225,000 to "General regulatory functions" from "Construction, general".

Amendment No. 7: Restores language proposed by the House and stricken by the Senate relating to the Sunset Harbor, California, project.

Amendment No. 8: Deletes language proposed by the House and stricken by the Senate relating to exchange of Federal land.

Amendment No. 9: Restores language proposed by the House and stricken by the Senate relating to the Saylorville Lake, Iowa, project and changes section number.

Amendment No. 10: Restores language proposed by the House and stricken by the Senate relating to the Sims Park, Ohio, project and changes section number.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate relating to the Bonneville Lock and Dam, Oregon and Washington, project, with an amendment as follows:

In lieu of the first section number named in said amendment insert: *"304"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate relating to the West Fork of Mill Creek Lake, Ohio, project, with an amendment as follows:

In lieu of the first section number named in said amendment insert: *"305"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

West Columbus, Ohio, Local Protection Project.—The conferees are aware that the Corps of Engineers is reviewing a request from local sponsors of the West Columbus, Ohio, local protection project to advance funds for pre-construction activities. In order to eliminate further delay, the conferees direct the Secretary of the Army to accept up to $2,000,000 in fiscal years 1989 and 1990 combined from local sponsors to continue preconstruction engineering and design of the West Columbus, Ohio, project. This action is taken with the understanding that any credit to the sponsors towards the requirement of local cooperation would be provided by the Federal Government only when and if construction funds are appropriated by the Congress for the project. Further, this action is not a commitment to future project construction.

Continuing Authorities Program.—The conferees are aware of a number of dire emergencies within the Corps of Engineers' Continuing Authorities Programs, (which consist of small navigation projects, small flood control projects, small streambank and shoreline protection projects, small beach erosion control projects, snagging and clearing for flood control, and mitigation of shore damage due to navigation), and, therefore, have no objection to the initiation of new construction starts in the Continuing Authorities Programs for the remainder of fiscal year 1989 using available funds.

CHAPTER IV

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ECONOMIC SUPPORT FUND

Amendment No. 13: Restores chapter number as proposed by the House.

ASSISTANCE FOR POLAND

Amendment No. 14: Deletes the word "electoral" from the language proposed by the House.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds Senate language relating to democratic transition in Poland.

Amendment No. 16: Deletes House language relating to international observer missions in Poland.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language relating to the independent media and publishing activities in Poland.

PROMOTION OF DEMOCRACY IN NICARAGUA

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That there shall be available an additional amount for the "Economic Support Fund", $3,000,000, which shall be made available notwithstanding any other provision of law for the promotion of democracy in Nicaragua: Provided further, That of the funds made available under this heading for the promotion of democracy in Nicaragua, $1,500,000 shall be made available as a contribution to the Organization of American States to carry out election monitoring activities in Nicaragua: Provided further, That the amount provided for promotion of democracy in Nicaragua under this heading shall be derived from funds appropriated under such heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1987, or from funds earmarked under such heading in Public Law 100-202 for reconstruction and rehabilitation of the National University of El Salvador and other institutions of higher education in El Salvador: Provided further, That such funds shall be in addition to funds made available for the promotion of democracy in Nicaragua by Public Law 100-461*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to provide a total of $3,000,000 for the promotion of democracy in Nicaragua, of which $1,500,000 is designated for the Organization of American States to carry out election monitoring activities in Nicaragua under the El Salvador Accords. None of the funds provided for the promotion of democracy in Nicaragua are to be available for obligation until the Committees on Appropriations are notified.

The conferees agree that the Organization of American States should review its per diem rate for Nicaragua in order to bring it in line with realistic costs.0

NATURAL RESOURCE DEPLETION ACCOUNTING

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the amendment of the Senate with an amendment as follows:

In lieu of the first section number named in said amendment, insert the following: *401*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees recognize that methods of incorporating natural resource depletion into national accounting systems still are in the process of being developed and field tested. As such, the timeframe for adoption by national governments (including the United States), and therefore the timeframe for use by international organizations and bilateral donors, will depend upon the development of an internationally accepted model of accounting. The conferees direct the Agency for International Development and the Department of Treasury to work to expedite the development and utilization of accounting systems that score resource depletion or enhancement. The Agency for International Development is encouraged to provide technical assistance to developing country governments interested in pursuing that objective.

INTERNATIONAL PEACEKEEPING ACTIVITIES AND OPERATIONS

Amendment No. 20: Deletes language proposed by the House concerning funding for Peacekeeping forces. Funding for Peacekeeping is addressed under amendment number 109.

ASSISTANCE FOR HAITI

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides two additional exemptions to the current restrictions on U.S. foreign assistance for Haiti.

Amendment No. 22: Retains chapter number "V" as proposed by the House, instead of "IV" as proposed by the Senate.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $7,300,000 to be available until September 30, 1990, and establishes an Oil Spill Emergency Fund in the Department of the Interior, as proposed by the Senate. The Fund would be available to agencies of the Department for contingency planning, and for response and natural resource damage assessment activities related to the Exxon Valdez oil spill in Prince William Sound, Alaska on March 24, 1989.

It is the managers' intent that the Department pursue full and complete recovery, to the maximum extent practical, for all damages to lands and resources under its jurisdiction. Further, the Secretary should seek full reimbursement for the expenses of this recovery effort from Exxon and any other responsible parties. Such reimbursement shall include full charges for all work performed by any employees or consultants of the Department.

In addition to the establishment of the Fund and the provision for related reimbursements to the affected programs of the Department, Amendment 23 amends section 102 of the Department's FY 1989 Appropriations Act to permit the emergency transfer of funds from any no-year appropriations available to the Secretary for the purpose of "contingency planning subsequent to actual oil spills, response and natural resource damage assessment activities related to actual oil spills."

Within thirty days, the Secretary of the Interior is requested to provide a comprehensive plan, with cost estimates, for the oil spill clean up work done to date, and for the work that remains to be done, by agencies under his jurisdiction.

The Department is expected to report monthly to the Committees on Appropriations on disbursements from, and reimbursements to, the Oil Spill Emergency Fund. These reports should indicate what amounts have been provided to which agencies and for what purposes, and should be structured in a manner to indicate current balances in the fund. Such reports should be accompanied by a status report of the Department's oil spill recovery efforts in Alaska.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that projects resulting from a third solicitation of demonstrations under the clean coal technology program shall be selected no later than January 1, 1990.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 501. No funds appropriated or made available heretofore or hereafter under this or any other Act may be used by the executive branch to contract with organizations outside the Department of Energy to perform studies of the potential transfer out of Federal ownership, management or control by sale, lease, or other disposition, in whole or in part, the facilities and functions of Naval Petroleum Reserve Numbered 1 (Elk Hills), located in Kern County, California, established by Executive order of the President, dated September 2, 1912, and Naval Petroleum Reserve Numbered 3 (Teapot Dome), located in Wyoming, established by Executive order of the President, dated April 30, 1915: Provided, That the negotiation of changes to the unit plan contract with Chevron which governs operation of Elk Hills, where the purpose of the changes is to prepare for the divestiture of the Reserve, is prohibited.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment would prohibit the use of outside contractors to perform divestiture studies on the Naval Petroleum Reserves, and would also prohibit negotiation of changes to the current unit plan contract with Chevron at Elk Hills if the purpose of such changes is preparation for divestiture of the Elk Hills Reserve. The original House amendment prohibited all divestiture activities, including use of DOE personnel, and the Senate amendment prohibited use of outside contractors only in fiscal year 1989.

Amendment No. 26: Deletes House provisions relating to oil spills. The same provisions are included in Amendment Numbered 23.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: *502*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides for the distribution of excess timber receipts. The language clarifies Public Law 100-446, and provides for the same formula distribution of the excess receipts as directed in P.L. 100-446. The managers agree that the additional funds provided to the timber sales program under the formula are to be used to address the timber sales preparation pipeline. The provision of funds herein for the timber pipeline is not intended to change the volume of the timber sales program proposed in the FY 1990 President's Budget.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: *503*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment adds the citation of Public Law 100-383 to the "Miscellaneous Payments to Indians" account. This will allow $150,000 to be reprogrammed from the Old Age Assistance Program to begin implementation of the Aleutian and Pribilof Island Restitution Act in fiscal year 1989. The funds will be used to begin to identify individuals who are eligible for restitution payments under the Act. It is not intended that the Bureau will make any actual restitution payments with these funds, except in cases where extreme emergencies exist.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment, insert: *504*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment provides for a transfer of $400,000 from the National Forest System appropriation account to the Forest Research appropriation account. These funds are to be used for research related to the effect of fires which occurred in the Yellowstone area during 1988. The managers direct that the National Forest System funds are to be transferred as follows: $200,000 from Timber Sales Administration and Management; $100,000 from Wildlife and Fish Habitat Management; and $100,000 from Soil, Water, and Air Management.

The managers agree further that $400,000 is to be reprogrammed within funds available for the Operation of the National Park System to conduct research related to the fires which occurred in the Yellowstone National Park area during 1988. The managers direct that the $400,000 be derived from those funds previously set aside by the National Park Service at the regional level for Alaska oil spill emergencies. These funds are available for release since the managers have provided $7.3 million for an oil spill emergency fund to address such requirements.

Apparently both the National Park Service and the Forest Service have developed separate priority lists of Yellowstone-related fire research projects. The managers expect the Services to convene a panel of experts to merge these priority lists immediately so that a single list of the most important fire research projects in priorty order will guide all federal research in the Yellowstone area. This panel should be comprised of two representatives from the National Park Service, two from the Forest Service, and three recognized experts from universities in three different states. The panel should confine its activities to the merger of the two lists of research projects in priority ranking; new projects should not be proposed.

Funds available to the National Park Service and the Forest Service and previously identified for research in the greater Yellowstone area, together with an additional $400,000 from other park operations and $400,000 to be transferred to the Forest Research Department from the National Forest System account, are to be obligated to accomplish the research tasks in their order of priority on the soon-to-be-developed interagency list of fire research projects. All such research projects are to be awarded competitively. The managers understand that, in practice, one agency's funds may be used to accomplish the other agency's priorities. The agencies are further encouraged to solicit supplemental resources from State and local organizations to accomplish these research priorities. It is intended that any contractual assistance be awarded on a competitive basis and that the research program be executed on a cooperative basis in much the same manner as the Interagency Grizzly Bear Committee.

CHAPTER VI

Amendment No. 30: Restores chapter number proposed by the House.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

TRADE ADJUSTMENT ASSISTANCE

Amendment No. 31: Appropriates $90,648,000 as proposed by the Senate instead of $126,648,000 as proposed by the House.

Amendment No. 32: Earmarks $56,000,000 for trade adjustment weekly benefits as proposed by the Senate, instead of $92,000,000 as proposed by the House.

The conferees are concerned that the Department has not been sufficiently sensitive to the difficulties the State of Hawaii is encountering in establishing a culturally effective job training program for American Samoans residing in Hawaii and on the mainland. For example, the conferees expect that the funds provided in the regular fiscal year 1989 appropriations bill will be used to establish outreach programs on the various Hawaiian Islands and thus result in significant administrative costs and possible reduction in training services during the startup years. The Department is directed to work closely with the State of Hawaii to ensure that funds necessary for administrative purposes shall be released and further, that the State shall be able to expand last year's program to similarly address the pressing employment needs of other Pacific islander and Asian immigrants.

The conferees recommend that the Office of Job Corps give consideration prior to September 30, 1989, to expanding those Job Corps centers (1) which are currently operating in excess of their capacity, (2) which have predominantly Hispanic or other minority enrollment, and (3) which have demonstrated superior performance and effectiveness as determined by the Office in its annual rankings.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which states that funds made available in the fiscal year 1989 Appropriations Act under section 6 of the Wagner-Peyser Act may be used to carry out the targeted jobs tax credit program under section 51 of the Internal Revenue Code of 1986.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 34: Appropriates $3,200,000 as proposed by the Senate. The House bill included no funds for this purpose.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available $1,445,000 by transfer from the Black Lung Disability Trust Fund appropriation. The House bill included no similar provision.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

Amendment No. 36: Appropriates $800,000 for a study of rural health manpower needs as proposed by the Senate and corrects the legal citation for the study.

HEALTH CARE FINANCING ADMINISTRATION

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate, which prohibits the use of the appropriation for rural health care transition grants for forward or multi-year funding. The conferees have agreed that funds appropriated by the Department of Health and Human Services Appropriations Act of 1989 to implement section 4005(e) of the Omnibus Budget Reconciliation Act of 1987, Public Law 100-203, may not be used to provide forward or multi-year funding. The conferees expect the Health Care Financing Administration to award at least 160 first-year grants of $50,000 to rural hospitals. The conferees intend to provide second-year funding for this program in fiscal year 1990, enabling rural hospital grantees to have two full years to complete restructuring.

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 38: Delete language proposed by the Senate to modify the refugee authorizing statute by amending the 1989 appropriations Act to make assistance to Nicaraguans an eligible activity for targeted assistance grants.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Amendment No. 39: Deletes language proposed by the Senate which would have placed a cap on fiscal year 1990 State administrative costs under the title IV-E foster care program.

The conferees are gravely concerned over the escalating administrative costs associated with the foster care program. Administrative costs increased by 868% from FY 1981 to FY 1987. At the same time, maintenance costs increased by 52% and the number of children served only increased by 9%. Should administrative costs remain unchecked, they will soon exceed the amount provided for maintenance payments. Further, the conferees are concerned that while Federal costs have increased, these increases may not necessarily reflect increased services to children. The conferees are encouraged that the Senate Finance Committee intends to address this problem this year.

DEPARTMENT OF EDUCATION

IMPACT AID

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment insert the following:

IMPACT AID

Section 5(e)(1)(D) of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), shall not apply to any local educational agency that was an agency described in section 5(c)(2)(A)(ii) of the Act in fiscal year 1987 but is an agency described in section 5(c)(2)(A)(iii) of the Act in fiscal year 1989 as a result of families being moved off-base in order to renovate base housing: Provided, That any school district which received a payment under section 5(b)(2) of the Act for fiscal year 1986 but which the Department of Education has determined to be ineligible for section 2 assistance due to a review of the original assessed value of the real property involved at the time of acquisition of the federal property shall be deemed eligible for payments under section 2, for fiscal year 1989 only.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement retains language proposed by the Senate related to certain school districts receiving assistance under section 5(c)(2) of the Impact Aid program. In addition, the conferees have agreed to similar language affecting school districts receiving payments under section 2 related to federal property. Both parts of the agreement are effective for fiscal year 1989 only.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which clarifies that section 517 of Public Law 100-436 does not apply to activities in the Rehabilitation Services and Handicapped Research account during fiscal year 1989.

HIGHER EDUCATION

Amendment No. 42: Appropriates $1,600,000 for Higher Education as proposed by the Senate but modifies the Senate language to provide these funds for such project as the Secretary may deem appropriate which is authorized in law. The Senate bill earmarked these funds for the Urban Education Foundation as authorized under Public Law 98-312. The House bill contained no similar provision.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

(RESCISSION)

Amendment No. 43: Inserts heading as proposed by the Senate.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which rescinds $5,533,000 of funds previously appropriated for the National Student Loan Data System.

OFFICE FOR CIVIL RIGHTS

Amendment No. 45: Appropriates an additional $790,000 for the Office for Civil Rights as proposed by the Senate.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 46: Appropriates an additional $440,000 for the Office of the Inspector General as proposed by the Senate.

RELATED AGENCIES

Amendment No. 47: Modifies heading as proposed by the Senate.

RAILROAD RETIREMENT BOARD

Amendment No. 48: Provides $150,000 as proposed by the Senate for the Railroad Retirement Board Inspector General to conduct an audit of the Board's contract for processing Medicare claims.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

Amendment No. 49: Appropriates $1,750,000 as proposed by the Senate for the White House Conference on Library and Information Services.

Amendment No. 50: Restores chapter number proposed by the House.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which provides that the Library of Congress shall provide financial management services to the United States Capitol Preservation Commission.

CHAPTER VIII

DEPARTMENT OF AGRICULTURE

Amendment No. 52: Restores House proposed Chapter number.

COOPERATIVE STATE RESEARCH SERVICE

Amendment No. 53: Deletes Senate language providing that funds available for the support of the Mid-America World Trade Center shall be used for the promotion of nonagricultural products, as well as agricultural products, and for the development of the rural economy through international trade.

AGRICULTURAL RESEARCH SERVICE

The conferees agreed to pass without prejudice House report language regarding planning funds for the Agricultural Research Service Center in Lane, Oklahoma. The conferees agreed this issue will be addressed in connection with the fiscal year 1990 bill.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

The conferees agreed to pass without prejudice Senate report language regarding the use of available resources for control and monitoring scrapie. The conferees agreed that this program will be addressed in the fiscal year 1990 bill.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that of the funds available for the Agricultural Stabilization and Conservation Service, $275,000 shall be trans-

ferred to the Cooperative State Research Service to be paid to the Kansas Agricultural Research Experiment Station at Kansas State University for the purpose of disseminating information to farmers on methods of alleviating drought problems and exploring improved water conservation techniques.

CONSERVATION RESERVE PROGRAM

Amendment No. 55: Restores House language deleted by the Senate which provided for a $75,000,000 reduction in the funds appropriated for the Conservation Reserve Program. The conference agreement also reduces the amount avvailable under the Conservation Reserve Program for cost share assistance by $15,000,000 as proposed by the Senate instead of $75,000,000 as proposed by the House.

Amendment No. 56: Deletes Senate language since this amendment was incorporated into Amendment No. 55.

EMERGENCY CONSERVATION PROGRAM

Amendment No. 57: Deletes Senate language requiring the Secretary of Agriculture to issue regulations or take such other action as is necessary to provide payments for emergency water conservation or water enhancing measures that benefit confined animals within thirty days of enactment of this Act.

In view of the continuing drought situation in the Midwest, the Department is urged to consdier seriously the addition of a practice advocated in the Senate bill and report.

ADVANCED DEFICIENCY PAYMENTS

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

ADVANCED DEFICIENCY PAYMENTS

Notwithstanding any other provision of law, effective only for the 1988 crops of wheat, feed grains, upland cotton and rice, if the Secretary determines that any portion of the advanced deficiency payment made to producers for the crop under section 107C of the Agricultural Act of 1949 must be refunded, such refunds shall not be required prior to December 31, 1989, for that portion of the crop for which a disaster payment is made under section 201(a) of the Disaster Assistance Act of 1988: Provided, That for the purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119), this provision is a necessary (but secondary) result of a significant policy change.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement makes a technical change to the Senate language. The Disaster Assistance Act of 1988 provided that certain producers may have to refund advanced deficiency payments for that portion of a crop for which a disaster payment is made. The Act stipulates that these refunds shall not be required prior to July 31, 1989. Because of the continuing drought, the conferees recommend that these refunds not be required prior to December 31, 1989. This period of time will allow farmers to harvest their 1989 crop and generate the funds necessary to refund any required advanced deficiency payments on the 1988 crop.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

OPERATING LOANS

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

OPERATING LOANS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for insured operating loans, $70,000,000, to be derived by transfer from emergency disaster loans, to remain available until September 30, 1990: Provided, That the Secretary shall allocate immediately insured farm operating loans to States from the national reserve, from pooling of unobligated funds previously allocated to States, and from this appropriation, in a manner that will provide each State with an opportunity to fund at least the same level of obligations as in fiscal year 1988.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $70,000,000 in additional operating loans instead of $75,000,000 as proposed by the House and stricken by the Senate. The conference agreement also provides that the funds shall be transferred from emergency disaster loans and shall remain available until September 30, 1990. The conference agreement incorporates Senate language directing the Secretary to allocate immediately insured farm operating loans to the States from the national reserve, from pooling of unobligated funds previously allocated to States, and from this appropriation, in a manner that will provide each State with an opportunity to fund at least the same level of obligations as in fiscal year 1988. The conferees wish to stress that such provision shall not prevent the transfer of unneeded funds to other States where there is a need.

Amendment No. 60: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

In Public Law 100-460, "An Act making appropriations for Rural Development, Agriculture, and Related Agencies for the fiscal year ending September 30, 1989, and for other purposes", in the account titled "Agricultural Credit Insurance Fund", delete the sum of $14,000,000" and insert in lieu thereof $7,000,000", delete the first sum of $3,000,000" and insert in lieu thereof "$1,500,000", and delete the sum of "$2,000,000" and insert in lieu thereof "$1,000,000".

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

The conference agreement reduces the amount available for water development, use, and conservation loans from $11,000,000 in insured loans and $3,000,000 in guaranteed loans to $5,500,000 in insured loans and $1,500,000 in guaranteed loans. The conference agreement also reduces the amount available for Indian tribe land acquisition loans from $2,000,000 to $1,000,000. The Senate amendment proposed to reduce total funding for water development, use, and conservation loans to $7,000,000 and Indian tribe land acquisition loans to $120,000.

RURAL HOUSING INSURANCE FUND

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends the language in the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460) regarding the obligation of funds for rural rental assistance agreements. Due to previous reductions in financing for farm labor housing—sections 514 and 516—and other factors, the need for rural rental assistance for farm labor housing has diminished. However, the need remains to use these funds under the rural rental housing program. The agreement will not reduce funds available for farm labor housing; rather, it will permit the use of the funds for other low-income households eligible under the section 515 program. This change will ensure full use of funds made available for fiscal year 1989 and will not affect the Federal budget.

RURAL DEVELOPMENT INSURANCE FUND

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount for insured water and sewer facility loans, $2,500,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides an additional $2,500,000 in water and sewer facility loans as proposed by the Senate, and also provides that the funds shall remain available until expended.

RURAL WATER AND WASTE DISPOSAL GRANTS

Amendment No. 63: Appropriates an additional $7,500,000, to remain available until expended, for water and wate disposal grants as proposed by the Senate.

SOIL CONSERVATION SERVICE

Amendment No. 64: Inserts a paragraph heading as proposed by the Senate.

CONSERVATION OPERATIONS

Amendment No. 65: Deletes Senate language appropriating an additional $5,000,000 for conservation operations of the Soil Conservation Service since additional funding is provided in connection with Amendment No. 66.

REIMBURSEMENT TO THE SOIL CONSERVATION SERVICE FOR CONSERVATION RESERVE PROGRAM ASSISTANCE

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

REIMBURSEMENT TO THE SOIL CONSERVATION SERVICE FOR CONSERVATION RESERVE PROGRAM ASSISTANCE

The Agricultural Stabilization and Conservation Service shall reimburse the Soil Conservation Service for services provided to carry out the Conservation Reserve Program pursuant to the Food Security Act of

1985 (16 U.S.C. 3831-3845), at a rate of $3.00 per acre bid in the program: Provided, that reimbursement for this service is made retroactive to October 1, 1988.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends Senate language to provide for a reimbursement of $3.00 per acre bid rather than $2.50 per acre enrolled. These funds are provided to reimburse the Soil Conservation Service for technical assistance provided by the Service in connection with the Conservation Reserve Program.

WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum of "$80,000" named in said amendment, insert: *"$4,000,000"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement reduces the amount available for watershed and flood prevention loans provided in the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460) from $7,949,000 to $4,000,000. The Senate amendment proposed to reduce this loan program to $80,000.

RESOURCE CONSERVATION AND DEVELOPMENT

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum of "$56,000" named in said amendment, insert: *"$600,000"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement reduces the amount available for resource conservation and development loans provided in the Rural Development, Agriculture, and Related Agences Appropriations Act, 1989 (Public Law 100-460) from $1,207,000 to $600,000. The Senate amendment proposes to reduce these loans to $56,000.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

Amendment No. 69: Appropriates an additional $224,624,000 for the food stamp program as proposed by the Senate. The President submitted a supplemental budget request for additional funds for the food stamp program after the supplemental appropriations bill had been considered by the House.

FOOD AND DRUG ADMINISTRATION

Amendment No. 70: Inserts a paragraph heading as proposed by the Senate.

Amendment No. 71: Reported in disagreement.

Amendment No. 72: Appropriates an additional $500,000 for orphan product grants and contracts. The Senate amendment provided $1,000,000 for orphan drug grants and contracts. The House bill contained no similar provision.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION

Amendment No. 73: Restores chapter number as proposed by the House.

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

For an additional amount for "Payments to air carriers", $6,600,000: Provided, That notwithstanding any other provision of law, after September 30, 1989, no subsidy shall be paid for any service to or from any essential air service point in the contiguous United States for which the per passenger subsidy exceeds $300.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees recognize the importance of the Essential Air Service (EAS) program in providing transportation service to small, isolated communities. The bill therefore includes sufficient funds to continue existing service through the end of the fiscal year. However, the conferees are concerned that excessive per passenger subsidies exist in certain instances. Accordingly, language is included in the bill that would prohibit subsidies from being paid for service to or from any subsidized EAS point in the contiguous forty-eight states after September 30, 1989, that exceeds $300 per passenger based on the most recent fiscal year data available to the Department of Transportation.

The conferees direct the Secretary of Transporation to submit within 60 days of enactment of this Act a report to the House and Senate Committees on Appropriations on the impact of a per passenger subsidy cap. The Secretary shall report on those instances where a per passenger subsidy cap is not the best measure for evaluating the value of the service provided because of other considerations such as the necessity of air freight delivery or the lack of other common carriers such as truck, bus and rail. If a per passenger cap is determined not to be the best evaluative measure, the report should identify alternative measures that the Secretary deems to be more appropriate, and how the affected subsidized points perform against those measures. The conferees expect to consider the Secretary's findings in determining the appropriate funding level for fiscal year 1990.

STATE AND LOCAL ANTI-APARTHEID POLICIES

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that inserts the words "or subsequent".

COAST GUARD

OPERATING EXPENSES

Amendment No. 76: Inserts heading as proposed by the Senate.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate requiring that sums provided by any party, including sums provided in advance, as reimbursement of operating expenses incurred by the United States Coast Guard in response to the oil spill from the "Exxon Valdez" grounding, shall be credited to the "Operating expenses" appropriation for the United States Coast Guard, and shall remain available until expended.

The conferees direct the Coast Guard to submit a status report on funding and reimbursements relating to the Coast Guard's expenses as of June 1, 1989, updated monthly thereafter until all "Exxon Valdez" reimbursements are collected.

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

From funds made available under this head in Public Law 100-457, up to $5,600,000 shall be made available until expended for development, acquisition, installation, operation, and support, including personnel, or equipment to provide vessel traffic management information in the New York Harbor area: Provided, That the United States Coast Guard shall initiate action within sixty days of the date of enactment of this Act to establish such a system: Provided further, That, within sixty days of the date of enactment of this Act, the Secretary shall initiate a rulemaking to determine which class or classes of vessels operating in the New York Harbor area shall be required to participate in an active vessel traffic management system, and the specific operating procedures and requirements of such a mandatory system.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Notwithstanding any other provision of law, funds available under this head in both Public Law 100-457 and this Act shall be available for expenses incurred in fiscal year 1989 by the Coast Guard in responding to any oil spill.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees direct the Coast Guard to immediately notify the House and Senate Committees on Appropriations of the expenditure of funds pursuant to this authority.

FEDERAL AVIATION ADMINISTRATION

INSTALLATION AND USE OF EXPLOSIVE DETECTION EQUIPMENT

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that requires the Federal Aviation Administrator to initiate rulemaking action regarding the deployment of explosive detection systems at such airports, both domestic and foreign, as the Administrator determines necessary. The Senate amendment also requires the Federal Aviation Administration to renegotiate certain Logan County Airport grant agreements.

The conferees concur in the House report language earmarking $360,000 for the Mid-American Aviation Resource Consortium.

FEDERAL HIGHWAY ADMINISTRATION

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that reiterates the legislative history of the

provision in the fiscal year 1987 supplemental appropriations Act regarding the Dubuque City Island Bridge.

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Amendment No. 82: Restores Chapter number as proposed by the House.

Amendment No. 83: Deletes a provision proposed by the House which would have transferred $2,063,000 from Salaries and expenses to International Affairs and inserts a provision proposed by the Senate which transfers $1,623,000 from Salaries and expenses to International Affairs.

FINANCIAL MANAGEMENT SERVICE

Amendment No. 84: Deletes a provision proposed by the House which would have authorized the transfer of $5,500,000 to the Financial Management Service.

The Conferees have denied the Administration request to transfer $5,500,000 from other Treasury bureau accounts to cover the increased costs of postage for the Financial Management Service. In denying this request, the Conferees direct the Department of Treasury to exercise its existing general transfer authority to cover the increased costs due to postage. The Conferees have agreed to a provision in the bill increasing the Department's authority to transfer funds between accounts from one percent to two percent. In so doing, the Conferees expect the Department to comply with the transfer guidelines included in the Fiscal Year 1989 appropriations Act.

The Conferees note that the costs for postage may exceed the additional $5,500,000 requested and directs the Department to provide the Committees on Appropriations of the House and Senate with a report on specifically how it expects to fund these additional costs in Fiscal Year 1989.

INTERNAL REVENUE SERVICE

Amendment No. 85: Deletes provisions proposed by the House which would have authorized the transfer of $73,983,000 between appropriation accounts of the Internal Revenue Service. The conferees have been informed that the Service can accomplish its mission within the transfer authority available.

CHAPTER XI

Amendment No. 86: Restores Chapter number as proposed by the House.

DEPARTMENT OF VETERANS' AFFAIRS

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That of the sums appropriated under this heading in fiscal year 1989, personnel compensation and benefits payments for the two-week pay period ending September 23, 1989, shall be made by no later than September 29, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that the salary payments for the last pay period in fiscal year 1989 be made by no later than September 29, 1989. The Administration currently has the authority to make such payments by September 29. This action is similar to the action proposed for the last pay period for employees of the Department of Defense.

The conferees have deleted the language earmarking not less than $6,800,000,000 of total 1989 medical care funding for personnel compensation and benefits object classifications because of the difficulty of hiring qualified medical personnel in some geographic areas and the short time in which the additional funds will be available in fiscal year 1989. However, the Veterans Health Service and Research Administration is directed to proceed as quickly as possible to increase the average employment to an annual rate of 194,720. This is the staffing level assumed in the 1989 Appropriations Act and anticipated for 1990. The VA estimates that approximately $6,750,000,000 of 1989 medical care funds will be obligated for personnel compensation and benefits object classifications. The conferees wish to make clear that the VA is not to hire temporary administrative and engineering support personnel simply to increase the 1989 staffing level. The VA is expected to hire permanent employees so as to be able to enter fiscal year 1990 at the 194,720 level. If the VA, despite all best efforts, should not be able to utilize these funds to reach this staffing level, the conferees direct that any remaining portion projected to be available during the closing days of the fiscal year be obligated by the VA for acquisition of urgently needed medical equipment and prostheses.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

(TRANSFER OF FUNDS)

For an additional amount for the purchase of prosthetic appliances for "Medical care", $5,000,000, to be derived by transfer from "Construction, major projects".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that the amount available in the construction, major projects appropriation for facility development plans be reduced $10,000,000, and $5,000,000 of that amount be transferred to the medical care appropriation for the purchase of prosthetic appliances. The balance of the reduction, $5,000,000, is to be placed in the working reserve. This action will provide funds, as required, for major construction projects.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate exempting recaptured section 8 moderate rehabilitation funds in the annual contributions for assisted housing appropriation in excess of $47,000,000 from being rescinded.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

For an additional amount for "Payments for operation of low-income housing projects", $88,000,000, to remain available until September 30, 1990: Provided, That such amount shall be derived by transfer from "Annual contributions for assisted housing", and the amount specified for the section 8 moderate rehabilitation program in the first proviso under that head in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014) shall be reduced by such amount: Provided further, That from the foregoing amount, $8,200,000 shall be made available, notwithstanding section 9(d) of the United States Housing Act of 1937, for grants for use in eliminating drug-related crime in public housing projects, consistent with the criteria set forth in section 5125(b), and reflected in other requirements of the Public Housing Drug Elimination Act of 1988 (Public Law 100-690, 102 Stat. 4301).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 91: Deletes language proposed by the Senate transferring $8,200,000 since this language is incorporated in amendment numbered 90.

INDEPENDENT AGENCIES

COURT OF VETERANS APPEALS

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided, That, notwithstanding section 4081 of title 38, United States Code, during fiscal year 1989 (1) the United States Court of Veterans Appeals may (A) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint not to exceed 35 employees (and employees to replace any employees so appointed whose employment by the Court is terminated) who shall be eligible for noncompetitive conversion to a position in the competitive service if (i) application therefor is made to the Office of Personnel Management by December 31, 1990, and (ii) the Director of the Office of Personnel Management determines that such noncompetitive conversion is in the interest of the Government, and (B) procure the services of experts and consultants under section 3109 of such title, (2) in the making of appointments pursuant to clause (1), preference among equally-qualified persons shall be given to persons who are preference eligibles (as defined in section 2108(3) of such title), and (3) the authorities provided in clause (1) may be exercised by the Chief Judge of the Court whenever there are not at least two Associate Judges on the Court*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", up to $5,000,000, which shall be derived by transfer from "Abatement, control, and compliance": Provided, That of the sums appropriated under this hearing in fiscal year 1989, personnel compensation and benefits payments for the two-week pay period ending September 23, 1989, shall be made by no later than September 29, 1989,

and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are in agreement that the reductions in abatement, control, and compliance be taken from contracting and consulting services other than from activities augmented by the Congress.

The conference agreement also provides that the salary payments for the last pay period in fiscal year 1989 be made by no later than September 29, 1989. The Administration currently has the authority to make such payments by September 29. This action is similar to the action proposed for the last pay period for employees of the Department of Defense.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 94: Restores language proposed by the House and stricken by the Senate appropriating $15,000,000 by transfer from the urban development action grants program for the emergency food and shelter program, amended to appropriate $12,000,000.

The conferees agree with the Senate report language directing FEMA to make available $250,000 from within the funds previously appropriated in fiscal year 1989 for the emergency management planning and assistance appropriation for the State and local direction, control, and warning program element for a matching grant to Kanawha County, WV for purchase and installation of a comprehensive early warning signal system.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

RESEARCH AND PROGRAM MANAGEMENT

(TRANSFERS OF FUNDS)

For an additional amount for "Research and program management", up to $35,000,000, to be derived by transfer from "Research and development" and "Space flight, control and data communications": Provided, That of the sums appropriated under this heading in fiscal year 1989, personnel compensation and benefits payments for the two-week pay period ending September 23, 1989, shall be made by no later than September 29, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees expect NASA to follow traditional reprogramming procedures prior to the initiation of any proposed use of this transfer authority.

The conference agreement also provides that the salary payments for the last pay period in fiscal year 1989 be made by no later than September 29, 1989. The Administration currently has the authority to make such payments by September 29. This action is similar to the action proposed for the last pay period for employees of the Department of Defense.

NATIONAL SCIENCE FOUNDATION

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate inserting language appropriating $75,000,000 for research and related activities.

These funds will provide for replacement of the 300-foot National Radio Astronomy Telescope at the Green Bank Astronomy Observatory in Green Bank, WV.

CHAPTER XII—DISTRICT OF COLUMBIA

Amendment No. 97: Inserts new chapter and heading for fiscal year 1989 supplemental appropriations for the District of Columbia government as proposed by the Senate and changes the chapter number to conform with the numbering sequence in the bill. The District's supplemental request is included in House Doc. No. 101-61 and was submitted too late to be included in the House version of the bill.

The District's fiscal year 1989 supplemental request consists of $1,000,000 in Federal funds to be derived by transfer and $144,398,000 in local District revenues consisting of $28,426,000 in operating expenses and $115,972,000 in capital outlay. The amount recommended by the conferees totals $1,000,000 in Federal funds derived by transfer as proposed by the Senate and $159,098,000 in District funds. The District funds total reflects increases of $15,700,000 above the request and includes $1,000,000 to allow for the payment of additional inaugural expenses from the District treasury which was inadvertently omitted in the District's request and $14,700,000 in additional capital borrowing authority for the new Correctional Treatment Facility to be constructed in the District of Columbia. These matters are discussed under subsequent amendments in this chapter.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

INAUGURAL EXPENSES PAYMENT

(TRANSFER OF FUNDS)

For an additional amount for "Inaugural expenses payment", $1,000,000, to be derived from Expenses, Presidential Transition, General Services Administration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action appropriates $1,000,000 derived by transfer from Expenses, Presidential Transition, General Services Administration, to reimburse the District of Columbia for expenses incurred in connection with the January 1989 Presidential Inaugural as proposed by the Senate.

The conferees note that the additional costs incurred by the District government totaled $1,029,574 but the estimate submitted by the Administration totaled only $1,000,000.

DISTRICT OF COLUMBIA FUNDS

DIVISION OF EXPENSES

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $26,000: Provided, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 to 2269-2), $7,216,000 are rescinded for a net decrease of $7,190,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $1,990,000: Provided, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-2), $19,016,000 are rescinded for a net decrease of $17,026,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Governmental Direction and Support.—The conference action appropriates an additional $26,000 and rescinds $7,216,000 for a net decrease of $7,190,000 as proposed by the Senate.

Economic Development and Regulation.—The conference action appropriates an additional $1,990,000 and rescinds $19,016,000 for a net decrease of $17,026,000 as proposed by the Senate.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $29,360,000, of which $5,064,000, to remain available until expended, shall be solely for overtime expenses of the Metropolitan Police Department and $800,000, to remain available until expended, shall be solely for overtime expenses of the Superior Court: Provided, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-2 to 2269-4), $1,210,000 are rescinded for a net increase of $28,150,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Public Safety and Justice.—The conference action appropriates $29,360,000 of which $5,064,000 is solely for police overtime and $800,000 is solely for overtime in the Superior Court, both amounts to remain available until expended, and rescinds $1,210,000 for a net increase of $28,150,000. The conference agreement increases the amount available for police overtime from $5,000,000 as proposed by the Senate to $5,064,000 which is the exact amount of the fourth quarter payment to the Federal

Bureau of Prisons that is forgiven under amendment number 103.

Superior Court.—The conference agreement provides $995,000 for the Superior Court of the District of Columbia as proposed by the Senate. The conferees agree that $800,000 of these funds shall be available until expended for overtime for court personnel involved in processing criminal cases.

Metropolitan Police Department.—The conference agreement provides that $5,064,000 be transferred to the Metropolitan Police Department for overtime expenses as part of the District's efforts to stem drug and homicide crimes in the Nation's Capital. The increase of $64,000 over the Senate proposal reflects the exact amount of the fourth quarter payment to the United States for District inmates housed in Federal Bureau of Prisons facilities that is forgiven under amendment number 103.

Department of Corrections.—The conference agreement transfers to the Metropolitan Police Department for police overtime the $5,064,000 fourth quarter payment to the United States that is forgiven under amendment number 103. The Senate proposal transferred $5,000,000.

PUBLIC EDUCATION SYSTEM

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $4,529,000, which shall be allocated as follows: $3,758,000 for the public schools of the District of Columbia and $771,000 for the District of Columbia School of Law: Provided, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $2,000,000 for the University of the District of Columbia, $6,000 for the Educational Institution Licensure Commission, $389,000 for the Public Library, and $185,000 for the Commission on the Arts and Humanities are rescinded for a net increase of $1,949,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $45,858,000: Provided, That $3,611,000 of this appropriation, to remain available until expended, shall be available solely for the District of Columbia's employees' disability compensation: Provided further, That of the funds provided for the Office of Emergency Shelter and Support Service, $750,000 shall be used to provide food for the homeless and may not be used for any other purpose: Provided further, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $9,945,000 are rescinded for a net increase of $35,913,000.

PUBLIC WORKS

(INCLUDING RESCISSION)

For an additional amount for "Public works", $5,436,000: Provided, That of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-4), $10,655,000, including $300,000 from the school transit subsidy are rescinded for a net decrease of $5,219,000.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center fund", $543,000.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-5), $5,834,000 are rescinded.

REPAYMENT OF GENERAL FUND DEFICIT

For an additional amount for "Repayment of general fund deficit", $13,950,000: Provided, That in addition, all net revenue that the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint communications et al. v. District of Columbia, et al., CA 10080-87 (court order filed on November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For an additional amount for "Short-term borrowings", $4,592,000.

PERSONAL SERVICES ADJUSTMENTS

(RESCISSION)

Of the funds appropriated under the various appropriation headings for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), $18,553,000 as determined by the Mayor, are rescinded: Provided, That the Mayor shall reduce appropriations and expenditures for personal services within object classes 11, 12, 13 and 14: Provided further, That during the fiscal year ending September 30, 1989, the Mayor shall reduce the number of authorized, full-time, funded positions above DS-10 by 318.

INAUGURAL EXPENSES

For an additional reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1803), $1,000,000, which shall be apportioned by the Mayor within the various appropriation headings in this Act.

ENERGY ADJUSTMENT

(RESCISSION)

Of the funds appropriated under the various appropriation headings for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), an additional $349,000 as determined by the Mayor are rescinded from object class 30(a) energy.

EQUIPMENT ADJUSTMENT

(RESCISSION)

Of the funds appropriated under the various appropriation headings for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-1 through 2269-6), $3,500,000 as determined by the Mayor are rescinded from object class 70 (equipment).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Public Education System.—The conference action appropriates $4,529,000 of which $3,758,000 is for the public school system and $771,000 is for the District of Columbia School of Law and rescinds $2,580,000 from funds previously appropriated for the University of the District of Columbia ($2,000,000), the Educational Institution Licensure Commission ($6,000), the Public Library ($389,000), and the Commission on the Arts and Humanities ($185,000) for a net increase of $1,949,000 under this heading as proposed by the Senate.

Human Support Services.—The conference action appropriates an additional $45,858,000 of which $750,000 is solely for food for the homeless and rescinds $9,945,000 for a net increase of $35,913,000 under this heading as proposed by the Senate.

Public Works.—The conference action appropriates an additional $5,436,000 and rescinds $10,655,000 for a net decrease of $5,219,000 in this appropriation account as proposed by the Senate.

Washington Convention Center Fund.—The conference action appropriates an additional $543,000 as proposed by the Senate to finance building repairs and maintenance projects at the Washington Convention Center.

Repayment of Loans and Interest.—The conference action rescinds $5,834,000 as proposed by the Senate.

Repayment of General Fund Deficit.—The conference action appropriates an additional $13,950,000 and requires that all net revenues which may be collected by the District government in a pending court case shall be applied to the repayment of the general fund accumulated deficit as proposed by the Senate.

Short-Term Borrowings.—The conference action appropriates an additional $4,592,000 as proposed by the Senate.

Personal Services Adjustments.—The conference action rescinds $18,553,000 as proposed by the Senate.

Inaugural Expenses.—The conference action inserts a new heading and paragraph under District of Columbia funds appropriating the additional $1,000,000 payment provided from Federal funds under amendment number 98 to cover expenses incurred in connection with the January 1989 Presidential inaugural activities. The conferees note that the additional costs incurred by the District government totaled $1,029,574 but the estimate submitted by the Administration totaled only $1,000,000.

Energy Adjustment.—The conference action rescinds an additional $349,000 as proposed by the Senate.

Equipment Adjustment.—The conference action rescinds $3,500,000 as proposed by the Senate.

CAPITAL OUTLAY

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

CAPITAL OUTLAY

(INCLUDING RESCISSION)

For an additional amount for "Capital outlay", $146,642,000, to remain available until expended: Provided, That of the amounts appropriated under this heading in prior fiscal years, $15,970,000 are rescinded for a net increase of $130,672,000: Provided further, That $14,700,000 shall be avail-

able solely for the Correctional Treatment Facility of which $8,700,000 shall be for delay claims owed to the contractor for construction delays and $6,000,000 shall be for fixtures and equipment connected to the floors, walls, and ceilings of the Facility by means of structural, mechanical, or electrical requirements: Provided further, That $4,185,000 shall be available for project management and $9,425,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: Provided further, That $25,000,000 shall be available to the Department of Corrections for a feasibility study, site acquisition, and design and construction of a jail that is generally bounded by G Street, N.W. on the north, 6th Street, N.W. on the west, Pennsylvania Avenue, N.W. on the south and 1st Street, N.W. on the east: Provided further, That the feasibility study shall include a companion analysis of a revised mission for the present jail to prevent duplication: Provided further, That the executive branch is prohibited from disposing of any property in the Judiciary Square area that is under the jurisdiction of the Mayor until a site has been chosen.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action appropriates an additional $146,642,000 and rescinds $15,970,000 for a net increase of $130,672,000 instead of an additional $131,942,000 and rescissions of $15,970,000 for a net increase of $115,972,000 as proposed by the Senate. The conference action provides an increase of $14,700,000 in capital borrowing authority above the Senate proposal for the new 800-bed Correctional Treatment Facility to be constructed in Southeast Washington. The increase includes $8,700,000 to cover delay costs resulting from various court actions and restudies and $6,000,000 for kitchen, medical, maintenance and recreational fixtures and equipment connected to the floors, walls, and ceilings of the facility by means of structural, mechanical, or electrical requirements. The conferees are aware of the potential for increased costs to complete the construction of this facility and are committed to ensuring that it is constructed without delay.

REPROGRAMMING AND REDUCTIONS

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

WATER AND SEWER ENTERPRISE FUND

Of the funds appropriated under this heading for fiscal year 1989 in the District of Columbia Appropriations Act, 1989, approved October 1, 1988 (Public Law 100-462; 102 Stat. 2269-7), $100,000 shall be available to compensate individuals as provided in the Water Main Break Fund Emergency Act of 1988, effective December 21, 1988 (D.C. Act 7-269; to be codified at D.C. Code, sec. 47-375, note).

ADMINISTRATIVE PROVISIONS

The United States hereby forgives $5,064,000 of the fourth quarter indebtedness incurred by the District of Columbia government to the United States pursuant to the Act of March 3, 1915, D.C. Code, sec. 24-424, as amended, this amount being equal to the increased cost of housing District of Columbia convicts in Federal penitentiaries during the fiscal year ending September 30, 1989: Provided, That for the fiscal year ending September 30, 1990, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

Notwithstanding any other provision of law, including, but not limited to the District of Columbia Historic Landmark and Historic District Protection Act of 1978, D.C. Law 2-144, as amended, 25 DCR 6939 (1979), the District of Columbia Government is directed to begin construction of a correctional facility to be located in the District of Columbia, as described in Public Law 99-591, within thirty days of enactment of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Reprogramming and Reductions.—The conference action deletes the paragraph entitled Reprogramming and Reductions proposed by the Senate. The conferees believe this paragraph is a duplication of the District's existing internal reprogramming requirements and the reprogramming guidelines in section 122 of the District's fiscal year 1989 appropriations Act.

Water and Sewer Enterprise Fund.—The conference action provides that not to exceed $100,000 of funds previously appropriated shall be available to compensate individuals as provided by the Water Main Break Fund Emergency Act of 1988 as proposed by the Senate.

Administrative Provisions.—The conference action includes language forgiving the District's fourth quarter indebtedness to the Federal government of $5,064,000 reflecting the increased costs associated with housing District of Columbia inmates in Federal penal institutions as proposed by the Senate. The conferees agree that this should not be viewed as an abrogation of responsibility by the District nor as a reason to stop taking D.C. prisoners but rather as a short-term response to a very serious crime problem in the District. The conference action also includes language requiring the District government to pay interest on their quarterly payments to the United States that are made more than 60 days after receipt of the itemized statement from the Federal Bureau of Prisons showing the amounts due for the preceding quarter.

The conference action, in the second paragraph of the Administrative Provisions, directs the District government to begin construction in the District of an 800-bed correctional facility which was previously approved and funded. The language requires that construction begin within 30 days of enactment of this Act notwithstanding any other provision of law including but not limited to the District of Columbia Historic Landmark and Historic District Protection Act of 1978, as amended. Funds for this facility were first appropriated in December 1985 and construction has yet to begin.

TITLE II—URGENT SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed in said amendment insert the following:

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $28,400,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate had proposed a transfer of $19,200,000 from the Economic Development Administration's Economic Development Revolving Fund to the National Oceanic and Atmospheric Administration for the following items: $13,200,000 to meet contractual payments for the geostationary satellite program; $2,129,000 to meet certain requirements under the Marine Mammal Protection Act Amendments of 1988, and $3,871,000 to meet part of the FY 1989 funding shortfall of the National Weather Service. The House bill contained no provision on this matter.

The conference agreement provides a total of $28,400,000 in new budget authority for the National Oceanic and Atmospheric Administration. Of this amount, $19,200,000 is for the items which the Senate had proposed to fund by transfer and $9,200,000 in new budget authority is for the remaining FY 1989 funding shortfall of the National Weather Service.

DEPARTMENT OF JUSTICE

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Amendment No. 106: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed in said amendment insert the following:

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and expenses, general legal activities", $1,800,000.

ASSETS FORFEITURE FUND

(RESCISSION)

Of the $75,000,000 in expenses authorized by 28 U.S.C. 524 and appropriated from receipts of the Assets Forfeiture Fund in 1989 (Public Law 100-459), $2,232,000 are rescinded.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment would have provided $1,000,000 for the Office of Redress Administration to handle the processing of claims by Japanese Americans interned during World War II, to be derived by transfer from Federal Prison System, salaries and expenses. The House bill contained no similar provision.

The conference agreement provides $1,800,000 in new budget authority for the

Office, and assumes that the remaining $300,000 in estimated costs for FY 1989 shall be provided from within funds previously appropriated for General Legal Activities. The conferees understand that $2,100,000 is required to fully fund the current efforts of the Department to process these claims, however, sources to fully offset these additional costs could not be found.

The conference agreement also rescinds amounts from the Assets Forfeiture Fund and the Office of Justice Programs, which are no longer required for the purposes for which they were originally appropriated, in order to offset outlays associated with the above new budget authority.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed in said amendment insert the following:

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(INCLUDING RESCISSION)

From the amounts made available to the National Institute of Justice in Public Law 100-459, there shall be available $200,000 for a grant to the University of South Carolina for the purpose of studying the causes and effects of the increasingly disproportionate use of illegal drugs in the black community: Provided, That of deobligated funds previously awarded from appropriations for "Justice assistance", $2,053,000 are rescinded, notwithstanding any other provision of law.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment added language making $200,000 of existing appropriations to the National Institute of Justice available for a grant to study the causes and effects of the disproportionate use of illegal drugs in the black community. The House bill contained no similar provision.

The conference agreement includes the Senate language, amended to add a rescission of funds previously appropriated to the Office of Justice Programs. This rescission will partially offset new budget authority added in amendment Number 106. The amounts rescinded were identified by the Department as no longer required for the reasons originally appropriated. The programs affected are: Juvenile Justice and Delinquency Prevention Programs, $1,673,000; state and local law enforcement grants, $200,000; and the Bureau of Justice Statistics, $180,000.

The conferees agree that the $200,000 grant for the study of the impact of drugs on black communities shall be awarded immediately following the receipt by the National Institute of Justice of a grant proposal from the University of South Carolina.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Amendment No. 108: Deletes language proposed by the Senate which would have directed the FBI Director to pay a cost-of-living allowance to Newark division employees. The House bill contained no similar provision.

The conferees agreed to delete the Senate amendment because it is a piecemeal approach to resolving a nationwide problem involving compensation of Federal employees residing in high cost areas. The conferees agree that decisions to increase pay in such areas should be deferred until results are in on the various studies being made on this issue.

INTERNATIONAL PEACEKEEPING ACTIVITIES AND OPERATIONS

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

DEPARTMENT OF STATE

GENERAL PROVISION

(TRANSFER OF FUNDS)

SEC. 1. In order to meet urgent requests that may arise during fiscal year 1989 for contributions and other assistance for new international peacekeeping activities, and to reimburse funds originally appropriated for prior international peacekeeping activities, which have been reprogrammed for new international peacekeeping activities, the President may transfer during fiscal year 1989 such of the funds described in section 2(a) as the President deems necessary, but not to exceed $125,000,000 to the "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES" account or the "PEACEKEEPING OPERATIONS" account administered by the Department of State, notwithstanding section 15(a) of the Department of State Basic Authorities Act of 1956, section 10 of Public Law 91-672, or any other provision of law.

SEC. 2. (a) IN GENERAL.—The funds that may be transferred under the authority of this heading for use in accordance with section 1 are—

(1) any funds available to the Department of Defense during fiscal year 1989, other than funds appropriated by the Department of Defense Appropriations Act, 1989 (Public Law 100-463); and

(2) any funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461) for the "MILITARY ASSISTANCE" account, for the "INTERNATIONAL MILITARY EDUCATION AND TRAINING" account, or for grants under the "FOREIGN MILITARY FINANCING PROGRAM" account.

(b) RELATIONSHIP TO CERTAIN OTHER PROVISIONS.—Funds described in subsection (a)(2) may be transferred and used for contributions or other assistance for new international peacekeeping activities in accordance with section 1 of this provision notwithstanding section 514 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (as amended by section 589 of that Act), relating to transfers between accounts.

SEC. 3. (a) REVIEW OF PROPOSED TRANSFERS.—Any transfer of funds pursuant to section 1 shall be subject to the regular reprogramming procedures of the following committees:

(1) The Committee on Appropriations of each House of Congress.

(2) The Committee on Armed Services of each House of Congress if funds described in paragraph (1) of section 2(a) are to be transferred.

(3) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate if funds described in paragraph (2) of section 2(a) are to be transferred.

(b) REVIEW OF PROPOSED OBLIGATIONS.—The regular reprogramming procedures of the following committees shall apply with respect to the obligations of any funds transferred pursuant to section 1:

(1) The Committee on Appropriations of each House of Congress.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 4. (a) Of the amount that may be transferred pursuant to section 1, $38,950,000 shall be made available upon enactment for contributions with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement) only if the President determines and certifies to the appropriate Congressional committees that (1) the armed forces of the South West Africa People's Organization (SWAPO) have left Namibia and returned north of the 16th parallel in Angola in compliance with the agreements, (2) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date, and (3) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date.

(b) An additional $38,950,000 of such amount shall be made available after August 15, 1989, for implementation of the Tripartite Agreement only if the President has determined and certified to the appropriate Congressional committees that (1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the Government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), specifically with respect to its obligations as of August 1, 1989, (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support, in conformity with the United Nations impartiality package, to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations.

(c) Funding of these activities by the United States may not be construed as constituting recognition of any government in Angola.

(d) The term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations on December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations of December 22, 1988.

(e) The term "appropriate Congressional committee" means the Committees on Ap-

propriations, Foreign Affairs, and Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Appropriations, Foreign Relations, and the Select Committee on Intelligence of the Senate.

SEC. 5. The Secretary of the Treasury shall instruct the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development to vote in opposition to the entry of the Government of Angola into these financial institutions or to approve any loans to Angola unless the President certifies to the appropriate Congressional committees that progress is being made toward national reconciliation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement for Peacekeeping Activities and Operations includes new bill lauguage that replaces language proposed by the House, in amendment number 20.

The conferees agree that the funds for Peacekeeping are to be transferred into the accounts and from the sources of funds proposed by the House.

Language proposed by the Senate concerning Peacekeeping operations in Namibia has been modified. Funding for Peacekeeping operations in Namibia may be provided upon enactment of the bill, and after August 15, 1989, in equal tranches of $38,950,000, based on Presidential certification and assurances.

The conferees also modified language relating to SWAPO combatants to indicate that the provision referred to the armed forces of the South West Africa People's Organization. While a large majority of the individual SWAPO combatants who infiltrated into Namibia have apparently now moved north of the 16th parallel in Angola, the conferees recognize that some individual SWAPO combatants may still remain south of that line. Precise estimates are not possible, given the vast size of the territory and the possibility that individuals may now be sheltered by families or relatives in Namibia. The modified language is intended to account for the possibility that a small number of individual SWAPO combatants may remain south of the 16th parallel when the President certifies that the parties are in compliance with the Tripartite Agreement. The conferees emphasize their intent is only to take account of the fact that the President may not be able to certify that every single SWAPO combatant has withdrawn, and not to create a loophole that would allow any organized SWAPO combatant units to remain in Namibia south of the 16th Parallel.

The conference agreement modifies Senate language concerning instructions related to the United States Executive Directors to the International Monetary Fund and the International Bank for Reconstruction and Development. The revised language indicates that the Secretary of the Treasury is to instruct the Executive Directors to these institutions to vote in opposition to the entry of the Government of Angola into these institutions and to vote not to approve any loans to Angola unless the President certifies to the appropriate Congressional committees that progress is being made toward national reconciliation.

Finally, the conference agreement deletes Sense of the Senate language relating to Angola. The conferees note that the Senate has already expressed its view.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

FEDERAL SHIP FINANCING FUND

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which waives certain provisions of the Jones Act for the following vessels: The Liberty, Nancy Ann, Nor'Wester and Navatek I. The House bill contained no similar provision.

LEGAL SERVICES CORPORATION

ADMINISTRATIVE PROVISION

Amendment No. 111: Reported in disagreement.

UNITED STATES INFORMATION AGENCY

ADMINISTRATIVE PROVISION

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which adds an administrative provision to facilitate the testing of television broadcasting to Cuba, as funded in the FY 1989 Appropriations Act. This language is required to enable the Agency to lease, maintain and operate an airplane for a portion of the test. The House bill contained no similar provision.

THE JUDICIARY

ADMINISTRATIVE PROVISION

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 104. Section 631(b)(1) of title 28, United States Code, is amended by striking out all after "Puerto Rico, or the Virgin Islands of the United States," through "the bar of the district court of the Virgin Islands;" at the end of subparagraph (B), and by striking out the words "the first sentence of" that appear in the same paragraph.

SEC. 105. None of the funds provided in this or any prior Act shall be available for obligation or expenditure to relocate, reorganize or consolidate any office, agency, function, facility, station, activity, or other entity falling under the jurisdiction of the Department of Justice and the Small Business Administration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment added language amending 28 U.S.C. 631 to give Federal District Courts the authority to fill a vacant magistrate position with an experienced magistrate who is not a member of the bar of the State or jurisdiction in which the vacancy occurs. Current law limits the hiring of magistrates to individuals who are members of the bar of the affected State. The House bill contained no similar provision.

The conference agreement provides substitute language which further expands the pool of qualified magistrate applicants. Under the conference agreement, an applicant for a magistrate vacancy would still have to be a member of the bar, but not necessarily a member of the bar of the particular state or jurisdiction in which the vacancy occurs. This will bring the qualifications for magistrates more in line with those applicable to bankruptcy judges.

The conference agreement also adds a new general provision (Sec. 105) which prohibits the Department of Justice and the Small Business Administration (SBA) from relocating, reorganizing or consolidating offices under their jurisdiction. The conferees have been forced to take this drastic step because of actions taken by the Department and SBA which are contrary to the intent of the House and Senate Appropriations Committees. Section 606 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989, includes language prohibiting the reorganization of offices unless the Committees on Appropriations are notified 15 days in advance of such an action. The notification requirement was placed into this provision as an alternative to a flat-out prohibition, but only with the understanding that any proposals are subject to the approval of the Appropriations Committees. The presence of the notification requirement (and the tacit agreement requiring approval of the Committees) provides the Departments and Agencies the flexibility they need to manage their resources. In the past, all Departments and Agencies under the jurisdiction of the Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies have in good faith and in the spirit of comity, complied with the unwritten agreement that they will not go forward with reorganizations if the Appropriations Committees disapprove their proposals. In the past several months, the Justice Department and the SBA have proposed reorganizations which have not been approved by the Committees. The conferees have learned that both the Justice Department and SBA plan to go ahead with their proposals contrary to the wishes of the Committees. The conferees agree that the only alternative left in this situation is to prohibit all reorganizations for the remainder of fiscal year 1989. The conferees agree, absent assurances by the Department of Justice and SBA that they will comply in the future, that this reorganization prohibition should be continued into fiscal year 1990.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

ADMINISTRATIVE PROVISIONS

Amendment No. 114: Section 201—Inserts subsection designation as proposed by the Senate.

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which directs that the increase provided for Morale, Welfare and Recreation activities be used to cover only the cost of transporting exchange merchandise overseas and the adverse change in foreign currency exchange rates.

Amendment No. 116: Deletes language proposed by the House which would have prohibited the use of Department of Defense funds for research, development, test, evaluation, production, deployment, or operation of the Mid-infrared Advanced Chemical Laser/SEALITE Beam Director during fiscal year 1989 unless regular reprogramming procedures were followed.

Amendment No. 117: Section 204—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds the High Mobility Multipurpose Wheeled Vehicle (HMMWV) to the listed systems eligible for multiyear procurement contracts in fiscal year 1989.

Amendment No. 118: Section 205—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which requires the Army to procure $50,000,000 of Extended Cold Weather Clothing Systems (ECWCS) during fiscal year 1989 from previously appropriated funds.

Amendment No. 119: Section 206—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 206. The Secretary of Defense may, in conjunction with the Office of Personnel Management, conduct a test program to adjust pay rates to reflect local prevailing rates of pay for civilian employees in the following health care occupations: nurse, physician assistant, medical records librarian, medical laboratory technician, and radiology technician.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate included a provision allowing the Department of Defense (DOD) to implement a test program to adjust pay rates to reflect local prevailing rates of pay for civilian employees in five health care specialities. The conferees have amended the Senate's provision to ensure that the test program is performed in conjunction with the Office of Personnel Management (OPM). The test program must be conducted under existing law.

The conferees are extremely concerned about the competitiveness of DOD when competing for health care specialists. The conferees expect OPM and DOD to work together for an expeditious implementation of this test program. The Department should keep the conferees informed on the progress of this test program.

Amendment No. 120: Sections 207 and 208—Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 207. Section 8037 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-23), is amended by striking out "39 individuals" and inserting in lieu thereof "42 individuals".

SEC. 208. Within funds available to the Department of Defense, the Secretary of Defense shall transfer or otherwise make available funds as necessary to accommodate repair of real property, aircraft, and other Department of Defense assets damaged during the storm at Fort Hood, Texas, on May 13, 1989: Provided, That funds made available pursuant to this section shall be in accordance with established authorities and procedures.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate proposed bill language to raise the ceiling on Executive Schedule positions in the Department of Defense from 39 to 45. The House contained no similar proposal. The conferees understand that the position of the Comptroller of the Department of Defense (DOD) is an Executive Schedule Level IV position under 5 U.S.C. 5317. Additionally, the positions of Assistant Secretary of Defense of Intelligence and Assistant Secretary of the Air Force for Financial Management were authorized as additional Assistant Secretary positions (Public Law 100-456). Since Assistant Secretary positions are normally Executive Schedule Level IV, the conferees recognize only these positions and the Comptroller of DOD as additional legitimate Executive Schedule positions and agree to raise the ceiling to 42.

On May 13, 1989, a severe wind storm hit Ft. Hood, Texas. The high winds from this storm damaged a number of Army aircraft and facilities. The Army has estimated that the cost of emergency repairs in fiscal year 1989 will be $176,700,000.

The conferees have included a provision directing the Secretary of Defense to use funds available to the Department of Defense (DOD) to accommodate emergency real property and aircraft repair requirements at Ft. Hood. The conferees agree that the Department should seek prior approval from the House and Senate Appropriations Committees and the House and Senate Armed Services Committees before any transfer or reprogramming of DOD assets for this purpose.

Furthermore, the conferees note that the Army has requested authority to realign an $80,000,000 mission from supply operations to depot maintenance (FY 89-13PA), without an increase in depot maintenance funding. The conferees agree that $36,200,000 should remain in depot maintenance to fund aviation maintenance contracts. The remainder should be transferred to the Army's P-2 mission account to fund unit level maintenance and repair of facilities. Therefore, the conferees agree that the realignment of mission requirements from supply operations should be postponed until fiscal year 1990. Any additional 1989 funding requirements for supply operations should be accommodated with a future reprogramming request.

KWAJALEIN MISSILE RANGE

The Senate report contained language regarding serious disruptions in the civilan contract work force at the Kwajalein missile range and the lack of consultation with the Congress about funding shortfalls in logistics support which precipitated the problem. The Senate language required the Army to submit a report no later than June 30, 1989 on several aspects of this problem and on the Army's plan to mitigate the impacts on the civilian work force and to prevent recurrence of similar problems in the future.

The managers on the part of the House share the concerns expressed by the Senate in its report. The House managers endorse the Senate requirements for the Army report and direct that the report be submitted to the House Committee on Appropriations when it is submitted to the Senate.

CHAPTER IV

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

Amendment No. 121: Restores House language regarding interest payments on promissory notes issued to the Secretary of the Treasury.

GENERAL PROVISIONS

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *Notwithstanding any other provision of law, the New York State Bridge Authority shall have the authority to collect tolls on the Newburgh-Beacon Bridge and to utilize the revenue therefrom for the construction and reconstruction of and for the costs necessary for the proper maintenance and operation of any bridges and facilities under the jurisdiction of such Authority and for the payment of debt service on any of the Authority's obligations issued in connection therewith.*

Section 341 of Public Law 100-457 is amended by deleting "2" and inserting in lieu thereof *"4"*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the transfer of two E2C aircraft from the Customs Service to the Coast Guard.

GENERAL PROVISIONS

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which increases the amount the Department of the Treasury may transfer to or from any one of its accounts from 1 percent to 2 percent in fiscal year 1989.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ADMINISTRATION

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $1,500,000 for grants to certain political parties in Puerto Rico.

Amendment No. 126: Changes a word in a center heading from singular to plural as proposed by the Senate.

FEDERAL ELECTION COMMISSION

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $250,000, to be derived by transfer from "Expenses, Presidential Transition", General Services Administration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that $250,000 is to be transferred from Expenses, Presidential Transition to the Commission.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

SEC. 201. (a) Notwithstanding any other provision of law, the General Services Administration is hereby authorized to purchase, from annual funds available in the Federal Buildings Fund in fiscal year 1989, such additional furniture and equipment as may be necessary, not to exceed $1,500,000, for the National Oceanic and Atmospheric Administration to relocate to the Silver Spring, Maryland Metro Center.

(b) The National Oceanic and Atmospheric Administration will reimburse the General Services Administration for such expenditures in equal amounts over a period of two years, beginning in fiscal year 1990.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that this use of funds by the General Services Administration for the purchase of furniture and equipment for the National Oceanic and Atmospheric Administration is being done on a one-time only basis. The conferees are also agreed that the National Oceanic and Atmospheric Administration will fully reimburse the General Services Administration with the first repayment to be made at the beginning of fiscal year 1990.

EXPENSES, PRESIDENTIAL TRANSITION

Amendment No. 129: Deletes a provision proposed by the Senate which would have rescinded $250,000 from this account.

CHAPTER VI

DEPARTMENT OF VETERANS AFFAIRS

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate permitting the costs of external contract audits in 1989 to be charged to the construction, major projects; construction, minor projects; or supply fund accounts instead of the general operating expenses account.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The Secretary of Housing and Urban Development may make amounts reserved or obligated under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for particular projects under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), available as subsidy amounts for such projects under section 202(h)(4) of such Act: Provided, That from loans made under this section (section 202) the amounts realized from non-recourse sales of mortgages held as security for such loans shall be scored with respect to the level of budget authority or outlays under a committee's allocation under section 302 of the Congressional Budget Act of 1974.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes language permitting the receipts from section 202 mortgage sales to be scored in the section 302 budget allocation. Language specifically authorizing actual sales of such mortgages must be included in subsequent legislation prior to any such sales.

TITLE IV—GENERAL PROVISIONS

Amendment No. 132: Restores a general provision inserted by the House and stricken by the Senate which permits a very limited exception to the Alcoholic Beverage Labeling Act of 1988.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 404. (a) Within 6 months of the enactment of this Act and after granting notice and opportunity to comment to affected tenants, the Secretary shall review the drug-related eviction procedures of all jurisdictions having a Public Housing Authority for the purpose of determining whether such procedures meet Federal due process standards.

(b) Upon conclusion of the review mandated by subsection (a), if the Secretary determines that due process standards are met for a jurisdiction, the Secretary shall issue that jurisdiction a waiver of the procedures required in section 6(k) of the United States Housing Act of 1937, 42 U.S.C. 1437d(k), for evictions involving drug-related criminal activity which threatens the health and safety of other tenants of public housing authority employees as long as evictions of a household member involved in drug-related criminal activity shall not affect the right of any other household member who is not involved in such activity to continue tenancy.

(c) Within 60 days of completion of the review mandated by subsection (a), the Secretary shall report to Congress the findings of the review including all waivers granted in accordance with subsection (b).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

PANAMA

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment insert the following: *405*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree to include Sense of the Senate language regarding the appointment of a new administrator for the Panama Canal Commission.

SENSE OF THE SENATE—RESTORATION OF EASTERN AIRLINES

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "405" insert: *406*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NON-PROLIFERATION AND STINGER MISSILES

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the amendment of the Senate with an amendment as follows:

In lieu of section number "406" named in said amendment, insert the following: *407.* And, in lieu of section number "407" named in said amendment, insert the following: *408*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to the Senate language concerning nuclear, chemical, biological and missile non-proliferation and to the Senate language on the temporary suspension of the right to repurchase Stinger missiles from Bahrain.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first section number named in said amendment insert: *409*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment modifies the Social Security Act to waive civil service hiring procedures for the National Commission on Children and to permit the Commission to hire consultants.

SENSE OF THE SENATE—LEVERAGED ACQUISITION OF AIR CARRIERS

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "409" insert: *410*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the first section number named in said amendment, insert: *411*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts a general provision as proposed by the Senate which provides that "The Secretary of Agriculture may use his section 32 authority in appropriate instances to stabilize the apple market and to satisfy the requests of recipient agencies." The conferees agreed that this language is not intended to restrict the historic use of section 32. The conference agreement also changes the section number.

Amendment No. 140: Deletes language proposed by the Senate expressing the sense of the Senate regarding Section 89 of the Internal Revenue Code of 1986. This question is one of legislation, and it was felt that an expression in an appropriations bill might be misunderstood. Therefore, it was dropped leaving the question to be resolved by the appropriate legislative committees.

Amendment No. 141: Deletes without prejudice language proposed by the Senate expressing the sense of the Senate that the Finance Committee should consider legislation prior to September, 1989 that would modify the Medicare Catastrophic Coverage Act of 1988.

The Senate conferees wish to make clear that they are receding for technical reasons, and not for reasons of substance.

The Senate conferees remain committed to the purposes of the sense of the Senate as expressed in amendment 141, that the Senate Finance Committee should consider modifying the supplemental premiums required under the Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360). The Senate Finance Committee should also

consider reinstating voluntary participation, and a delay in the supplemental premium and benefits that have not become effective in 1989; and that these actions should be taken prior to September 1989.

The Senate conferees further intend that States should more aggressively enforce non-duplication requirements in private Medigap insurance, and that other Senate committees should address the issue of duplication of benefits for military, Federal and other retirees.

MILITARY CONSTRUCTION

MINOR CONSTRUCTION, NAVY

The conferees disagree with the Senate report language earmarking $1,000,000 for construction of a community center at Naval Radio Station, Sugar Grove, West Virginia. However, the conferees direct the Department of Defense to submit a reprogramming request for minor construction funds together with a notification as required by 10 U.S.C. 2805, in order that this project may be executed in a timely manner.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1989 budget estimates and House and Senate bills for 1989 follows:

Budget estimates of new (obligational) authority, fiscal year 1989	$2,389,697,000
House bill, fiscal year 1989	3,721,111,500
Senate bill, fiscal year 1989	3,264,128,500
Conference agreement, fiscal year 1989	[1] 3,219,518,500
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1989	[1] +829,821,500
House bill, fiscal year 1989	[1] −501,593,000
Senate bill, fiscal year 1989	[1] −44,610,000

[1] Excludes $821,579,000 reported in true disagreement in amendment no. 2.

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